



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**TENTH ASSEMBLY**

**28 March 2023**

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**Tuesday, 28 March 2023**

**MADAM SPEAKER** (Ms Burch) (10.00): Members:

Dhawura nguna, dhawura Ngunnawal.  
Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.  
Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

The words I have just spoken are in the language of the traditional custodians and translate to:

This is Ngunnawal Country.  
Today we are gathering on Ngunnawal country.  
We always pay respect to Elders, female and male, and Ngunnawal country.

Members, I ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory.

### **Minister for Mental Health Motion of want of confidence**

**MR HANSON** (Murrumbidgee) (10.01), by leave: Pursuant to standing order 81A, I move:

That this Assembly finds a want of confidence in Minister Davidson (Minister for Mental Health).

The Canberra Liberals have lost confidence in Minister Davidson as a minister. Indeed, the community has lost confidence in her as a minister, and—although I am sure the Labor Party may support her today through gritted teeth—it is very obvious that government members have also lost confidence in her as well. We have all witnessed a performance in this place over months and it is evident to all of us that she is not up to the job as a minister.

I will name a few significant issues: the disaster that is Dhulwa and her repeated delay and failure to act, the inquiry into her office that was instigated by the Chief Minister and Minister Rattenbury with damning findings, her handling of the appalling breach of trust in leaking of personal records of mental health patients, the mishandling of the veterans' affairs portfolio and the lack of confidence that veterans in Canberra have of her. I will go to each of these in turn but it is very clear to us that she is a minister because the Greens have demanded three ministries not because of merit. I believe there are more capable and better qualified Labor backbenchers who would serve the people of Canberra better.

Frankly it is not in our interest, in some ways, for the minister to step aside—that is, she reflects very poorly on this government and, if she does, stay I see an ongoing litany of damaging headlines for the government. But what of the damage that this is causing some of Canberra's most vulnerable people? Our duty is to them. The Greens need to put the people of Canberra first. They need to remove her as a minister. They need to accept there are more capable and qualified Labor members who can do this job better.

I will turn first to Dhulwa and the repeated calls for an inquiry from staff, the union and the opposition; the minister's refusal and delay to act for way too long and the inquiry result which was damning. We have all heard the debate in this place so I will go to the public record and what has been stated out there in the community. From the *Canberra Times* of 7 March 2022:

Nurses working at a Canberra mental health facility are scared of repercussions from management if they report assaults as workers feel they have been blamed for violent incidents.

Staff working at the Dhulwa Mental Health unit reported more than 100 physical assaults over a six-month period, with one nurse likening work at the facility to being "sent into the killing fields" ... "Over a long time they've shown their inability, numerous managers over time have been ineffective," he (Mr Daniel) said ... Opposition health spokeswoman Leanne Castley backed calls for an urgent inquiry into Dhulwa. She said she had also received reports that nurses were afraid to stand up to management.

From the ABC on 6 April 2022, "‘Catastrophic event’ imminent as physical assault rate escalates at Canberra's Dhulwa Mental Health Unit”:

Nurses at the Dhulwa secure mental health facility in Canberra say they feel unsafe and bullied in their work environment.

Nurses working in Canberra's Dhulwa Mental Health unit say violent incidents have escalated so much over the past six months, a "catastrophic event" is imminent.

From the *Canberra Times* of 21 April 2022:

"For too long we've seen occupational violence that is preventable," Mr Daniel said.

He is from the union.

"What we are seeing happening at the Dhulwa Mental Health facility is absolutely shocking," Opposition Leader Elizabeth Lee said.

"We have nurses that are being assaulted and abused each and every day and this Minister has gone missing.

"The Minister for Mental Health must act, she must step up and take responsibility for not keeping a safe workplace for our nurses."

In the *Canberra Times* of 20 April 2022, "WorkSafe notices issued to Dhulwa Mental Health unit”:

"Significant questions about accountability remain and nurses deserve an explanation as to why they have been blamed for occupational violence for so long when, in fact, it has been found that the government has failed to keep Dhulwa workers safe," Mr Daniel said.

“These are damaging findings by the safety regulator and the Minister and those responsible for the management of Dhulwa must not escape scrutiny.”

That is from the union.

This is the finding of the report when the minister was finally dragged kicking and screaming to actually have an inquiry. In the *Riotact*, “‘Dysfunction’: Dhulwa review paints bleak picture of substandard care, toxic workplace” on 2 December 2022:

No consistent leadership, a ‘fractured’ and toxic culture, staff feel unsafe and nobody is quite sure about what the model of care they are providing should be – meaning it is below expectations.

Now, it is disturbing that these same sort of issues were playing out at that time in the minister’s office. How could she possibly fix what was happening in Dhulwa when she could not lead or manage her own ministerial office? As we know there was an inquiry instigated by the Chief Minister and Minister Rattenbury and again let me quote from the public record. The *Canberra Times* of 27 January this year:

A review of the ACT Mental Health Minister’s office has found inexperience, a lack of quality leadership and workplace conflict contributed to a high rate of staff quitting.

...

The review of Ms Davidson’s office also heard stakeholders believed not enough was done to respond to “inappropriate behaviours”.

Some staffers who had quit the office also told the consultants internal conflict was the reason they had left.

There was then the incident where the minister made false claims to the media. Let me report on that of 31 January, “ACT Mental Health Minister Emma Davidson admits error over staffer’s complaint” ... “Minister Emma Davidson has admitted she was wrong to say she had no knowledge of a staff complaint against her which resulted in a personal apology”:

ACT Mental Health Minister Emma Davidson has admitted she was wrong when she said publicly that a staff complaint about her behaviour had not been discussed with her.

The *Canberra Times* on Monday sought a clarification from Ms Davidson’s office about the process for handling the complaint and why its substance had not been discussed with Ms Davidson.

Ms Davidson on Tuesday issued an apology for the statement.

“My apologies for the error - a complaint was raised with me in November 2021 about how I spoke to a staff member in front of other staff,’ Ms Davidson said in a statement.

I then turn to the health data breach which has been playing out in the media and in this place over the last week. We have seen the minister stalling, hiding information

and creating confusion and distrust when the situation needed clarity and a restoring of confidence and trust.

Let me read the editorial from the *Canberra Times* of this Saturday and their view of this. A view I think is consistent throughout the media and throughout the community. “Forget procedure, consider the patients”:

To be brutally frank the mental health patients whose clinical data was circulated without their knowledge or consent by Canberra Health Services staff are unlikely to give a tinker’s cuss about whether or not the breaches were technically “permissible”.

That argument, which has seen the Australian Nursing and Midwifery Federation - the recipient of the leaked data - claim its members had done nothing wrong is an irrelevant and potentially distracting sideshow.

The key issue is, and always should be, the right for people to feel confident their highly sensitive medical records are secure.

While, as CHS chief executive Dave Peffer has noted, there are rare exceptions to the prohibition on sharing data without patient consent it seems pretty obvious sending it to a union wouldn’t be one of them ... It is particularly galling the patients whose records had been circulated were undergoing treatment for mental health issues.

What impact have these revelations had on them and their states of mind? We are, after all, talking about a patient cohort whose members are often fragile, damaged and vulnerable, and whose trust can be very hard to win. Is it not now likely that as a result of this monstrous invasion of their privacy some will be reluctant to seek further help and assistance from CHS because their trust has been abused?

That would be a terrible, and possibly life threatening, outcome. Who will take that blame? Did nobody stop to think this through?

As for the revelations themselves, the whole saga - as is often the case involving stuff-ups with the ACT public sector in general and health services in particular - has been marked by a high degree of opacity.

This whole sorry matter only became public via reporting by The Canberra Times. Despite some claims to the contrary since that reporting, we should have no faith that anyone in government ever wanted it to be more public than an email circulated to health staff.

Since then, there has been a confused release of small pieces of information, blocking of requests for others on the grounds of the matter being referred to the integrity commission, and then the explosive dropping of union’s identity in the Assembly early on Thursday. The water has been muddied further by the fact two Ministers are responsible for this space; the Health Minister and the Mental Health Minister.

Given there are systemic failures across the ACT health system on a depressingly regular basis, both ministers - Rachel Stephen-Smith and Emma Davidson - should be stepping up to the plate.

...

Instead we are seeing the usual ducking and weaving and now blame shifting from the organisations involved.

The only people whose voices are not being heard are the victims of this breach.

Finally, let me turn to the situation in veterans' affairs. I have been a shadow minister for 14 years. I am a veteran. I know what veterans are thinking and I know what they are saying. When the previous minister, Gordon Ramsay, was doing a good job and was respected by veterans, I acknowledged that in this place. Veterans' affairs is an area that I have sought bipartisan approach on but, sadly, veterans across the ACT community have lost their confidence and trust in the minister.

This started, for those that do not recall, when the minister created the impression she was a Navy veteran, when that was not true. I am not sure if she did so deliberately or if it was just insensitively and negligently but the belief that she was a veteran was held by veterans—indeed, by many of us on this side and indeed by her own colleagues. Members of her own advisory council has been led to believe she was a veteran. Ministers believed she was a veteran. During the debate on veteran suicide in the Assembly, which was being watched by veterans, Ms Cheyne even said:

I acknowledge especially Ms Davidson and the power of her voice as minister and as a veteran ...

Although Ms Davidson spoke in closing immediately following Ms Cheyne, she allowed the false claim that she was a veteran to stand on the record. She either deliberately created that false impression or was so insensitive that she did this through negligence, but sadly either way veterans understandably have found it very difficult to have confidence and trust in her as a result. It is true that veterans' affairs issues have gone backwards under this minister. Her relationship with veterans is, in my view, irreparable.

Members, there are very genuine and damaging reasons for the minister to step aside or be stood down—Dhulwa, her office, the data leak, veterans' affairs. There are other issues including justice health, which will be canvassed today. I make the point that we have not rushed to this position. These matters have unfolded over a long period. They have been litigated in this place—Dhulwa and the situation in her office. We have given her the benefit of the doubt, Members. It is only the straw that has broken the camel's back of the events as they unfolded last week that has put us in this position. The reality is that our patience is exhausted and our confidence is entirely gone.

As I said before, the reason Ms Davidson is a minister is that the Greens have demanded three ministries. The decision before this government today is will you put the people of Canberra first, including patients in our mental health system and replace Ms Davidson with someone who is more qualified and more capable or will you put the Greens' power-sharing agreement and the Greens' demands for three ministers as a priority? We all know that is what is happening. You might deny it today but you do not deny it behind closed doors when you are talking to Liberals.

I will not out any of you but if you think that there is confidence from the Labor party in Ms Davidson, you are wrong. I commend my motion to the Assembly.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors) (10.16): Madam Speaker, a motion of no confidence is a very serious matter. What I am keeping in front of mind at all times is the people at the heart of this who entrusted their healthcare to professionals. A small number of staff shared to ANMF entire patient histories, including past experiences of traumas and aspects of their identity that are deeply personal. I have heard from people who are concerned about whether this privacy breach applies to them, and I have sought advice about naming the mental health team involved. I want to reassure the community that this was in one team and I can confirm that it was in Dhulwa. One employee has been terminated and two have been stood down. This means that those privacy breaches by those staff members cannot continue.

I do not name Dhulwa lightly. As you all know, I called for a board of inquiry last May. The report that was tabled in the final sitting week of 2022 contained 25 recommendations and in the first sitting week of 2023 the ACT government committed to all 25 of those recommendations. I would particularly like to reference recommendation 22, which pertains to ethics, human rights, confidentiality and privacy training. The inquiry noted its concern of allegations by stakeholders concerning breaches of privacy relating to patients that may have amounted to a breach of their human rights. Recommendation 22 states:

Training should be provided for existing Dhulwa staff and all new recruits on the legislative and other requirements and obligations relating to ethics, human rights and in particular, the rights of consumers to both confidentiality and privacy.

More than 11,000 CHS staff have updated their training on privacy for patient records as part of their training for the rollout of the Digital Health Record in late 2022. In naming Dhulwa, we need to be clear that the people whose privacy was breached are those who are most at risk of exploitation, manipulation and abuse, and their rights have been violated. It was Cornel West who said, “Never forget that justice is what love looks like in public”. Justice is allowing the police and the Integrity Commission to do their work to investigate what has happened.

When I put my hand up to be a minister in this government, I said that I would do whatever the chief needs to me to do. What is needed is this: to keep our focus on people who entrust their healthcare to us, to be treated with dignity, and respect, and with kindness and love.

I cannot provide more detail on what has happened at this moment. I will update the Assembly and the community when I can but I want these people to have justice. I want them to have dignity. I want them to have respect. My best advice to the Canberra Liberals is that patience is the companion of wisdom. I hope this motion of no confidence will not be supported today.

**MS CASTLEY** (Yerrabi) (10.19): Over the last week we have seen a minister hiding behind a police investigation and then purported concern for patient welfare.



On 6 March, the CEO of Canberra Health Services emailed all CHS staff to advise there had been a deliberate leak of private patient data to an “industrial partner”. The same morning CHS commenced an open disclosure process with affected patients and their families. When this story broke two weeks later, last Tuesday, the Minister for Mental Health ruled out the suggestion that the recipient of the patient data was a health fund. But when Adam Shirley asked her to, “Help me define what an industry partner is because, I don’t know, maybe I am a bit slow on the uptake, I don’t know what we’re talking about here.” The minister said, “That is actually the subject of a police investigation, so I can’t talk further about that”. Absolute rubbish! The term “industrial partner” is totally misleading. The minister could have said the recipient was a union, but no, she tried to close the issue down by hiding behind this misleading description and the police investigation.

Questioned in this chamber the same day, the minister said she could not speak to the detail because of the need to observe proper policies, processes and procedures. I asked who the “industrial partner” was. The minister again dodged the question. Throughout question time, on at least nine occasions the minister hid behind the police investigation. Asked the following day, Wednesday, whether she had received advice on what was appropriate to divulge, incredibly, she suggested the opposition talk to the Minister for Police and Emergency Services. She then said she had sought advice on what she could say but did not say from whom. The minister then shifted ground and invoked patient privacy and dignity and their need to have conversations with CHS as the reason she would not provide more detail.

By Thursday morning, the clamour in the Canberra media for more detail had become uncontrollable. So at 10 am the minister delivered a scripted statement to this chamber—a statement carefully crafted to cover off her obfuscations up to this point. Apparently until late Wednesday the minister was not able to provide more detail than those contained in Dave Peffer’s all-staff email but could now that the families involved had received some more details that were in her statement on Thursday morning. Then came her admission that the so called “industrial partner” was in fact the ACT branch of the Australian Nursing and Midwifery Federation. So suddenly the police investigation was not an impediment to knowing who the “industrial partner” was. Go figure!

Then came the bombshell. On 28 February, the minister emailed the CEO of CHS and the ANMF asking if they could make a time to meet—a suggestion rightly rebuffed by the ANMF, which asked that future contact be via their lawyers. What could have possessed this minister to seek a meeting with the ANMF ACT Branch Secretary, when that branch was the subject of referral to the ACT Police, the ACT Integrity Commission and other regulators? It is hard to believe such ineptitude, such ignorance of proper process, procedure and protocol; a government minister whose first instinct, once the extent of the breach was known, was the next day to solicit a meeting with the organisation which was the subject of potential criminal charges! What was she thinking? And what was CHS thinking by agreeing to such a meeting?

It is clear the minister wanted to meet with CHS and the union for the purpose of damage control, to get ahead of the issue, or in the minister’s words:

... I wanted to particularly better understand what their organisations were doing to comply with their legal obligations and I also wanted to address the distrust issue that this breach has created.

So the plan was that by the time we all found out the identity of the “industrial partner,” there would be a press release saying ANMF accepted the harm its actions had caused and are now working with CHS to ensure it was complying with its legal obligations, while addressing the distrust its breach had caused. Issues management 101 but a total failure of good government.

Even now, a week after this story broke, the minister still has not been able to point to any policy, procedure, process or protocol which prevented her from saying the outside organisation was a union or indeed naming the union. I wonder what affected patients and their families made of being told their private medical files had been sent to an “industrial partner”, if indeed this is what they were told. I would bet you that is what they were told. I would think being told that their private medical files had gone to an unknown “industrial partner” would be much more disconcerting than being certain who they went to.

I believe what we see is that the paramount concern for the minister was just minimising damage control to the union and herself. We see a minister who, in pursuit of this aim, was prepared to use the pretext of a police investigation and then patient privacy and dignity to cover up her political tracks. As is often said, it is not the crime, it is the cover up. This is a minister in whom we cannot have confidence, but this is not the only reason she should step down.

On 21 February 2022 I asked the Mental Health Minister for a breakdown of occupational violence numbers since 2016-17 at the Dhulwa Mental Health Unit. Between 1 July 2021 and 2 February 2022 there were 79 incidents of occupational violence. The year before there were 109 incidents. In both years, the number of incidents were close to 10 a month.

In response to further questions about what safety measures were in place to reduce these horrific numbers, the minister could not explain how security guards could help, or how she planned to reduce the number of staff being assaulted when they went to work. These figures were not enough for the minister to act proactively.

She stayed silent on the issue for more than a month until the heat was on from nurses, staff and media. Then finally she called an urgent inquiry. On 6 April 2022 an ABC report detailed terrifying stories of nurses being:

... directed not to disengage or withdraw from unsafe situations involving violent and aggressive patients...

But even this was not enough to spur the minister into action. Instead, she said she was “committed to listening to nurses and their experiences.” If I were a nurse, were seeing almost 10 assaults a month on myself and my colleagues and the minister said she was committed to listening to me, I would have no confidence that this minister had the ability to help.

Clearly, the minister did not have the confidence of the Canberra Liberals, ANMF or nurses to fix the abhorrent issues being exposed constantly about working conditions in Dhulwa. What also seems clear is that she did not have the confidence of her Labor colleagues or the ACT Health Directorate. FOI documents show that the Minister for Health's office requested a briefing into Dhulwa on 9 February following correspondence from the ANMF. The Minister for Mental Health's office was not told about these significant issues until five days later. An email from the Minister for Mental Health's office says:

Rachel Stephen-Smith's office has just notified me that there were significant incidents at Dhulwa over the weekend ... I understand CHS has briefed Minister Stephen-Smith but given [we hold] the Mental Health portfolio it would be good if we can please have a briefing ASAP too.

That does not sound like an office that is across its portfolio, has a working relationship with its directorate or has the confidence of its senior minister. Incredibly, the minister did not announce an inquiry into the safety of staff at Dhulwa until 2 May—almost three months after her office was first briefed by CHS and one month after the ANMF took the issues to media.

Between the ANMF going public on 6 April and the minister calling the inquiry, there were another nine attacks on nurses. The minister delayed and delayed and staff were attacked because of her incompetence, to the point that WorkSafe issued a prohibition notice on Dhulwa, following a nurse losing part of her finger.

The minister's dreadful handling of this issue exposed staff at Dhulwa to more physical attacks and incredible stress because she failed to act proactively and decisively. I have no confidence that this minister knows how to manage her portfolio. Members of the Assembly should vote to remove this unprincipled and incompetent minister.

**MR RATTENBURY** (Kurrajong) (10.28): Madam Speaker, welcome back. Mr Parton misses the opportunity to be in the chair. He held up well when you were away.

The Greens will not be supporting this motion today. I want to take this opportunity to underline our absolute confidence in Minister Davidson. What we know, despite the political comments made by those in the opposition, is that she is an incredibly hardworking minister, she has a deep commitment to supporting Canberrans and, given her extensive background in the community sector in particular, she has a special drive to support those most in need in our community. That is the minister we know. We know that is the approach she takes to her work and we know that is why we will not be supporting this motion today.

Outside of this chamber, the feedback I get on Minister Davidson is incredibly different to the political narrative that Mr Hanson and his colleagues are seeking to portray. People who have met Minister Davidson and who are in the areas where her portfolios deliver services know how committed she is to her work. They know that she stands up for them.

People know about the role she is taking, in discussions nationally about the National Disability Insurance Scheme, in standing up for Canberrans with a disability to make sure they get a fair deal, despite the best efforts of the former federal government to undermine their rights and their access to services. They say to us that they are glad to have Emma in their corner because they know they have a minister who understands their issues, who cares about their issues and is prepared to go in to bat for them. That is the sort of minister you want to have in your government. That is why we will not be supporting this motion of no confidence. We know that the community understands the energy and the commitment that Minister Davidson puts into her role.

We also will not be supporting this motion because we see it for exactly what it is: it is about the politics of the day. Mr Hanson can do his best to dress this up as being about political accountability, but that is not what it is at all. As the Liberal Party's chief pugilist, and as a man who relishes belittling others, Mr Hanson has moved the motion seeking to gain political mileage. It is about seeking to inflict political damage on Minister Davidson. It really does amaze me that the Liberal Party persists with this kind of politics.

We saw another Liberal Party government lose an election on the weekend. You might think that at this point they would be starting to reconsider how they go about their business. We have seen the evaluation of the defeat of former Senator Seselja at the ACT election. It highlighted the fact that he started behind the eight ball, aside from his own personal politics being well out of kilter with many people in Canberra. He started well behind the eight ball because of his federal government's stance on a range of issues—a government that was seen to be mean, a government that was seen to have no vision and a government that was seen to be a government of a past era, not of what Australians aspire to for their future. Yet we see the Liberal Party continue to persist with this style of politics.

Let us reflect on the issue that has brought this matter to a head today, which is the unauthorised sharing of patient records at Canberra Health Services. As Minister Davidson has outlined, both in question time and again in her remarks today, her focus has been entirely on seeking the best outcomes for the patients affected by this incident, and that is as it should be. That is what she has said, that is what I know she is focused on and that is what Canberrans outside of this place, who judge these matters objectively, know is Minister Davidson's focus. You can see that she is not one for the politics of this place. She is actually here to deliver for the people in Canberra who need her support, for the people in her portfolios who rely on her to stand up for them.

Much has been made of when Minister Davidson made information publicly available, but I think fair-minded people would appreciate the difficult circumstances that the minister faces. There is, of course, a public interest in being up-front with the community, but there is also complexity related to issues of privacy for individuals, ensuring that affected patients do not first read about these things in the press. I think that is a fair and decent thing: to make sure that patients are the first to hear about these things. These are particularly sensitive personal records and the last place you want to read about this is in the *Canberra Times*. As Minister Davidson has outlined, there is a process for contacting patients and talking them through this. Given the

complexity of some of these patients, I have no doubt that that takes a bit more time than people might, on average, estimate.

There is also complexity around the issues relating to the external investigations that are taking place and how much can be revealed about them and when. These are difficult matters. It is fair to reflect that—and certainly in my experience—ministers will at times be given conflicting or contested advice about what can be said and when it can be said. Generally, the advice we receive is on the conservative side of the spectrum. It is for ministers to work their way through that, exercise judgement and balance the competing interests in the decisions that come before us on a regular basis. Often it is easy in hindsight to say, “You should have done it this way,” but every single day ministers are faced with decisions where they are trying to balance the right of individuals to their privacy, to be treated with decency, to be treated with respect, versus the legitimate public interest of knowing what is happening and the legitimate responsibility we have to this place to keep the Assembly informed.

That is particularly difficult in the health portfolio generally and, again, in my experience, in the mental health portfolio. I had occasions where stuff had been extensively reported in the press; yet privacy rules dictate that ministers are not allowed to use some of the information that is potentially available to them. That puts ministers in extremely difficult positions. What I know is that Minister Davidson has sought to approach this difficult issue with integrity and with a focus on respect for the patients who have been impacted. For me, that is the measure of a good minister.

As the minister has outlined, her focus has been, first and foremost, on ensuring that the affected patients and their families and carers are as informed as they can be, prior to the sharing of information. Secondly, she has focused on not interfering with the external investigations or inadvertently jeopardising them in any way. Again, I think that is an appropriate judgement that the minister has made, and any fair-minded person would agree that that is as it should be.

The Liberal Party are not fair-minded. They are here to try to get a political scalp; we all know that. They say, “That is our job.” They will walk out of the chamber later saying, “Don’t worry about it. We’re just playing the game. That’s how it has to be.” But that is not how it has to be.

This motion today by the Canberra Liberals is one of many no confidence motions put forward in this term. No confidence motions are a serious accusation and the Canberra Liberals are using them as a political point-scoring manoeuvre. They do no credit to our democracy and the intelligence of Canberrans by using them in this fashion. I think we heard that on the radio this morning. The first text message after Mr Hanson got off the radio made exactly that point.

We will not support this motion today. As I have said, we believe Minister Davidson is a diligent, committed, hardworking minister who seeks to do the very best she can for the community in general and particularly for those in the portfolios for which she has responsibility—which, if you look at her list of portfolios, is many of the most vulnerable people in Canberra. Between our understanding of the way she works and the feedback that I get from the community about how they perceive her work, there

are absolutely no grounds for us to support this motion today. I urge Minister Davidson to continue doing the work that she is focused on.

**MR COCKS** (Murrumbidgee) (10.38): I take no joy in rising to support the motion brought forward by Mr Hanson today, but, sadly, it has become necessary. The minister that the Leader of the Greens has just described is not the minister that the public nor we see before us. Mr Hanson and Ms Castley have already detailed an abbreviated list of the scandals, and this motion is about all of that and more. I believe the Chief Minister has stated this previously, and it has been stated by both the Leader of the Greens and the minister today: a motion of no confidence is the most serious motion an opposition can bring. And this is serious.

I can think of no area of health policy where it is more important to see honesty and trust than in mental health. The history of mental illness in Australia, as in most of the world, has been until recently a story of institutionalisation, harmful treatment, isolation and stigmatisation at the hands of government. Many in our communities still bear the scars of that history. That history requires that people with lived experience of mental health issues are treated with respect, honesty and transparency, especially by the government.

It demands that the people in our mental health workplaces know that the government has their back. There is a terrible real-world toll on the community arising from mental health issues and from suicide—a toll quantified by the Productivity Commission as costing up to \$180 billion every year in Australia, before the impacts of the pandemic came into play. Mental health should not be treated as some minor portfolio in which failure is acceptable. Mental health is hard, and fixing our mental health system requires honest, open engagement and follow-through. It is not good enough to hide behind platitudes and weasel words.

This minister has wielded pre-prepared statements designed to shield her, rather than dealing with the issues. She has refused to answer basic questions of fact, supposedly because of a police investigation, but will not tell us what advice she got on whether she could or not. Indeed, even today her story is still changing. She has left out critical pieces of information, only to reveal them later, and has changed the story about why she withheld them in the first place.

The minister has presided over a series of scandals that no competent government should accept. On that basis alone, this Assembly should vote that it has no confidence in the minister. But the problem goes beyond the surface of the scandals, as serious as they are. The most important question for me is not only did the minister technically conform to the government-specified ministerial standards but can the minister fix the mental health system? It has become clear that she cannot. This minister no longer has the credibility or competence to deliver the improvements that the mental health system needs, and she is trying to use hollow words to paper over her deficiencies.

Every time she is criticised for her performance, it seems that she reaches for a shield. Writing in the *Mandarin* in 2021, the minister stated:

We must choose leaders who have well-developed empathy and humility.

I wholeheartedly agree with that statement. Sadly, the minister's track record indicates that she is deficient in both. The evolution of this patient data scandal has drawn into sharp relief the minister's inability to work with others—a problem that first came to light during her disastrous handling of the Dhulwa workplace safety affair, almost a year ago, and that was further made clear through the review that the Chief Minister and the Leader of the Greens decided had to be conducted into the way she did business in her office.

During the early stages of the Dhulwa affair, Minister Davidson tried to avoid the light of an independent inquiry—an inquiry which I believe was commissioned by the Chief Minister, an inquiry which was held only after persistent pressure from the Canberra Liberals and the media. But once an inquiry was underway the minister simply used it as a shield.

Sadly, this minister has come to display the most serious deficiencies in judgement and competence that I can recall. Many have been detailed today. She has demonstrated a knack for statements that seem, at the very least, misleading. She cannot confront the deep problems and she cannot admit to the smaller ones. She cannot even admit that the residential eating disorder facility is behind schedule. This is a Greens minister who has dodged and hidden from every scandal, and the problem is simply that, when this minister is so completely wrapped up in trying to protect herself, in trying to hide the scandals, she cannot fix the problems. This minister has failed to proactively get out there and understand what is wrong.

I hear from people as well. I hear that people are disappointed in what they see, that they feel unheard and that the minister does not understand what is going on in the sector that she is responsible for. This is a minister whose own stakeholders have described her to me as disinterested and incompetent. This is a minister who is effectively at war now with the workers in her sector and their union. This is a Greens minister whose standing and credibility have fallen to such an extent that she cannot fix the problems and never will be able to, and they desperately need fixing.

Based on recent performances, I expect that the government will accuse us of scaremongering. Let me make it clear to the government: people with mental health conditions are not scared because the opposition are speaking up about this. Nurses in the mental health sector are not scared because the opposition are speaking up about this. We are speaking up for them—for patients, for our nurses, our doctors and everyone in the mental health system—because they are scared.

This is the most serious motion that we can bring on. Absolutely, it is deadly serious. The minister has demonstrated repeated and ongoing deficiencies in judgement. She has demonstrated clear contempt for transparency and accountability. She has hidden behind other people and used police investigations as a shield. She has put herself ahead of dealing with the issues.

After all is said and done, this minister needs to understand that, whether or not she is protected today, whether or not she is protected by the Labor-Greens power-sharing deal, she has lost the confidence of not only the opposition but mental health stakeholders from across the sector and across the community—mental health providers, mental health workers, people with lived experience of mental health issues and their families and their carers. Whether or not she is protected today, the minister should resign for the good of the mental health system that she is supposed to be fixing, because it has become clear that she cannot or will not. If she will not resign, the Chief Minister and the Leader of the Greens should act.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (10.46): The government will not be supporting Mr Hanson's motion today. We are, of course, always willing to debate important issues in the mental health portfolio, and indeed across any area of ACT government responsibility, and to do so seriously and in a dignified way. By repeatedly framing debates through a no confidence framework, those opposite are devaluing these legitimate public policy debates into fairly crass political point-scoring. Frankly, I do not think that focusing on the personality or characteristics of a minister, rather than debating policy, is constructive debate in our territory.

Having been in such a position myself, I would characterise Minister Davidson's entry into the Assembly and immediately taking on a ministerial role as brave. To become a member and a minister in the middle of a pandemic, with portfolio responsibilities that go directly to the heart of community recovery, is an enormous challenge. It is work that has taken its toll on our entire community, our entire health and mental health systems. The pandemic has impacted on the hardworking and dedicated staff who deliver services for the people of Canberra. I take this opportunity this morning to thank those workers who have given so much to help Canberrans during these difficult past three years.

Minister Davidson has not shirked from her role. She has not sought to downplay or ignore the challenges that are there. She has recognised the issues and acted to address them. Those issues have been well canvassed in this debate. She has sought to work with all parties, with patients, community advocates, management, workers and their elected representatives, to improve the systems in place for the most vulnerable.

In her two and a half years as minister, Minister Davidson has also progressed a range of other important initiatives. I note that the commentary in this morning's debate has extended beyond the issue of this week. I want to acknowledge Minister Davidson's work with the community and stakeholders to design Canberra's first residential treatment centre for eating disorders at Coombs. I want to acknowledge her work with the disability community to support the disability sector, to ensure that Canberrans who need extra support and services can access them.

I want to acknowledge her work during the pandemic, directing and leading government efforts to ensure that people with disability, older Canberrans and carers were supported through our response. I want to acknowledge her work in the wider community recovery efforts as we have emerged from the pandemic. I want to



acknowledge her work in overseeing the establishment of the new Garran Step Up Step Down program. I want to acknowledge her work in developing the strategy to improve the mental health and wellbeing of older Canberrans, building a more inclusive city that has helped people to live well and to stay connected as they age. I want to acknowledge Minister Davidson's advocacy in representing the territory in national fora, in advocating for reforms to the NDIS, for example.

The government's view is that Minister Davidson deserves the opportunity to continue this work, to complete the work that she started within her portfolio responsibilities. This work is not easy. The commentary in this debate reflects that it is accepted across all parties in this place that these are challenging areas of public policy, that implementation of reform and cultural change can be resisted by some and that not every action of government is going to be absolutely perfect the first time. We all need to learn from our mistakes, and we can all continue to improve our performance as ministers, and indeed as members of this place. Privately, every single member would acknowledge that, throughout our careers, we learn on the job. The longer you are in this place, you would acknowledge that there are things you can do better—and you seek to, as your career as an elected representative continues.

Canberrans have time and again shown that they dislike the sorts of personal attacks, divisiveness and pettiness that can sometimes creep into this place. They distrust those who seek to confect outrage over a minister doing her job in such challenging circumstances. No-one on this side of the chamber has ever doubted Minister Davidson's effort or her genuine desire to do the right thing by our community. So we will not be supporting this no confidence motion this morning.

**MRS KIKKERT** (Ginninderra) (10.52): I rise to echo the comments of my colleagues in declaring no confidence in Ms Davidson. Ms Davidson's failures are not limited to her office or her position as Minister for Mental Health. Ms Davidson's incompetent performance can also be clearly seen in her position as Minister for Justice Health. Her poor management style has filtered down from her office upstairs and into the justice health space.

The inspector of corrections, in his 2022 *Healthy prison review*, observed that there "appears to be an entrenched tension and animosity between Justice Health, ACTCS and Winnunga". Think about that: strong hostility between Justice Health, ACTCS and Winnunga. As with what happens in her office, this minister seems to be unable to create a good working culture.

I noticed that Shane mentioned she is a hardworking minister. Hardworking in what? Hardworking perhaps in creating tension and animosity between Justice Health, ACTCS and Winnunga.

**Ms Stephen-Smith:** A point of order, Madam Speaker.

**MADAM SPEAKER:** Resume your seat. A point of order?

**Ms Stephen-Smith:** I believe it is appropriate to refer to the member either as minister or as Mr Rattenbury, not Shane.

**MRS KIKKERT:** Forgive me, Minister Rattenbury. I am so used to calling you Shane. As I was saying, someone who cannot create a good culture within her own office is obviously incapable of creating a harmonious atmosphere between the stakeholders in her portfolio. Justice Health, ACTCS and Winnunga are critical stakeholders in supporting some of our most vulnerable. When these agencies are not working together, it creates a situation where it is only a matter of time before another critical incident occurs.

Many aspects of Justice Health have got worse during her tenure. Since she started in her portfolio as minister, most detainees have found it more difficult than ever to: (1) get general medical services; (2) obtain over-the-counter medication; (3) obtain specialist medical services; and (4) have their urgent health matters addressed on arrival at the AMC.

Justice Health staff do an admirable job in making do with what they have, but they can only do so much when the government ignores the reality of their working conditions. With respect to staff at the Hume Health Centre—and, for those who do not know what the Hume Health Centre is, it is the prison health centre—they are using facilities built for a total detainee population of no more than 255. The detainee population, however, at the AMC has been closer to 400 for over five years. Despite this, the Hume Health Centre has never been expanded. A planned expansion was shelved several years ago, and the money presumably redirected to some other government pet project that they care more about than the health of Canberrans. This has been a well-known problem for years, but this minister has done nothing about it.

Staff consider the clinic, as also quoted in the *Healthy prison review*, to be “not fit for purpose”. Yet Ms Davidson insists that they work in these unfit conditions by doing nothing about it. Her actions make it clear that she does not care about the detainees’ health or the medical staff at the prison’s health centre, and she does not support the staff for whom she has responsibility. It is clear that the minister must step down.

I want to end by referring to Minister Rattenbury. He talked about political point-scoring when we bring forward a no confidence motion in this chamber. However, we did not mention anything about politics. We mentioned all of her failed projects, her failed policies and her failed actions. However, Mr Rattenbury brought forward a political debate on what happened interstate over the weekend in regard to the election, and he talked about Zed’s political campaign. Tell me: who is bringing forward a political debate in a debate on a no confidence motion, Mr Rattenbury? I see very clearly the very loud hypocrisy in the Greens leader addressing a no confidence motion and bringing forward political point-scoring. It is complete rubbish, as are their other policies.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (10.58): I rise to speak against the no confidence motion and support my colleague Ms Davidson, whose capacity as a minister has been quite unfairly described by those opposite.

The Chief Minister went through a number of Ms Davidson’s achievements as a minister. I would add the work that she has done with the community around the

establishment of the Safe Haven cafe, and the significant work that she has done with the Office for Mental Health and Wellbeing around mental health services for young people. Minister Davidson has a range of complex portfolios that require really sensitive management, as Minister Rattenbury has talked about a number of times.

The particular issue that has given rise to the debate over the past couple of weeks was, again, as both Minister Davidson and Mr Rattenbury have talked about, one of significant sensitivity and challenge to manage as a minister. Canberra Health Services CEO Dave Peffer had emailed staff on 6 March in relation to this matter, primarily to be transparent with staff and to remind them of their obligations in relation to patient privacy. Also, in that email he advised that this matter had been referred to a number of oversight and legal agencies. There were mandatory referrals to AHPRA, the health professionals regulator, the police, and other local and national regulators. Last week Mr Peffer, and subsequently Ms Davidson, was also able to advise that this matter had been referred to the Integrity Commissioner.

Prior to the receipt of that advice, it was, I have to say, a little bit unclear what could and could not be said about this matter. We can all be wise with the benefit of hindsight; but, absolutely, Minister Davidson was in a difficult circumstance in knowing what could and could not publicly be said while there were a range of investigations underway. Of course, there was the police investigation; also, there was the referral to the Integrity Commissioner, and a range of other matters.

In addition, there were processes ongoing, as Minister Davidson has talked about, in relation to ensuring that the consumers who were affected by this alleged breach had been advised of the fact that their information was involved in this.

This has been an iterative process of receiving information from Canberra Health Services and trying to make a balanced judgement about when to speak publicly and how much information could be released in relation to that. Minister Davidson made it very clear last week that she had sought further advice, and she came into this place on Thursday and provided a statement with the amount of information that she was able to release at that time. She has committed, and she continued today to commit, to providing further updates as they become available.

These are very serious allegations. As Matthew Daniel, the ACT secretary of the Australian Nursing and Midwifery Federation, has pointed out, they are allegations. As both Minister Davidson and Mr Rattenbury have indicated, that does make it difficult to speak, in ensuring that you are providing a just and fair process for those people against whom the allegations have been made, and for the consumers who were involved, while also balancing transparency.

The opposition has sought, for a week now, to indicate that there may be some broader risk that is not being transparently communicated. That is absolutely not the advice—and Minister Davidson has been clear about this—that we have, and there is no evidence for this.

This matter involved a small number of staff and a number of patients, which has been identified as 13 people. It has been absolutely critical that those staff are subject to due process and that those patients are prioritised, in terms of that information.

It was also important for Canberra Health Services to ensure that all staff were reminded of their obligations, given that this very serious matter had come to light. I think it is clear, from everything that has been said and done to date, how seriously everyone has taken this, including Minister Davidson.

In relation to Dhulwa, I want to point out to Mr Hanson—and a number of people have mentioned this—that it was, in fact, Minister Davidson who commissioned the review. Because of the formal nature of it, as a board of inquiry type matter, it might have formally reported to the Chief Minister, but it was Minister Davidson who initiated this. She stood up, with the Australian Nursing and Midwifery Federation, and announced that a review would be commissioned, and worked with them on the terms of reference for the review, and the appointment of Barbara Deegan to undertake that review. It was she who initiated that. It is clear from that review that, in fact, there were a range of longstanding issues. In fact, she is the minister who has taken action on a number of issues that have been of concern at Dhulwa, and she has continued to take action through the implementation of the recommendations of that review.

Mrs Kikkert, in her very loud contribution, resorted to “doesn’t care” language. This is something that the opposition do all the time, because they have absolutely no concept or idea of the complexity of actually being a minister. None of them have had any experience of being a minister. I would not be surprised if none of them ever have any experience of being a minister, having regard to the way they are going. Instead, Madam Speaker, they are constantly impugning the motivations of ministers, the integrity of ministers and ministers’ commitment to our community. I can tell you that everyone on this side of the chamber is absolutely committed, and Ms Davidson in particular, to the wellbeing of our community, and we care deeply about the work that we do. I know that Ms Davidson cares very deeply about the work she does every day. As the Chief Minister has said, she has proved herself to be a very hardworking minister and a very committed minister.

The one thing that I was pleased to hear from Mr Hanson is his view about our non-executive colleagues on the Labor side. I share his view that any of my non-executive colleagues on the Labor side would make outstanding ministers. We have a surfeit of talent in the Labor Party, but Minister Davidson has also proven herself to be an effective minister, and we will not be supporting this no confidence motion today.

**MR HANSON** (Murrumbidgee) (11.07), in reply: I thank members for their contributions. This is indeed an important, serious matter, and we have not brought it forward lightly. This matter is not just in response to the events of last week; it is in response to events that have unfolded in a number of portfolios for which the minister has responsibility, and we have not pulled the trigger. There were events in the veterans’ affairs portfolio that caused members of the veterans community a pretty significant amount of distress, and that portfolio is now largely broken. Members no longer trust it. Veterans are very disappointed. It is openly discussed that the previous minister, Mr Ramsay, had the confidence and trust of veterans and was progressing issues. Veterans have lost confidence in the minister. No-one on that side of the chamber in response bothered to respond to that issue, because they know it to be true and it is indefensible.

Until the health minister responded, there was no substantive response to what had happened at Dhulwa, and the disaster that has unfolded. The reality is that the minister was dragged, kicking and screaming, by the union, by the opposition, by the efforts of Ms Lee at the time, and Ms Castley, to get her to that point. With respect to somehow saying that the minister boldly took action, she was dragged, kicking and screaming. We had that debate. I can go to any number of debates and press releases that were put out by the opposition, led by Ms Castley and Ms Lee, about that issue. She was reactive, not proactive. We all know that.

Those on the other side of the chamber then decided to completely ignore, in their response to this very serious motion, the issue of her office. They did not even bother to defend it because it is indefensible. The Chief Minister and the leader of the Greens had to instigate an inquiry into a minister's office that came back as damning as it was, and the minister that was the subject of this inquiry lied about what had happened and had to go out and publicly correct the record. Not a single member of the government even bothered to defend that. They just ignored it and pretended that it did not happen.

That is exceptional. I have been in this place for 15 years, and there has not once been a minister's office that has had to be reviewed and had an inquiry by the Chief Minister because it has become so dysfunctional. That issue alone could have been a trigger for us to move for a no confidence vote, and we did not. We gave the minister the benefit of the doubt on two or three occasions—on veterans, on what had happened in Dhulwa, and on what had happened in her office.

What has happened with the leaking of sensitive, private and personal information is outrageous. As Ms Castley articulated well, it is not just that it happened under her watch—and, as ministers, you are accountable for your portfolios; read the ministerial code of conduct—but it is her response. Ms Castley unpicked pretty well what had happened. But if you do not believe us, listen to what the media and pundits are saying:

Since then, there has been a confused release of small pieces of information, blocking of requests for others on the grounds of the matter being referred to the integrity commission ...

This whole sorry matter only became public via a report in the *Canberra Times*. When you talk to the media, and when you talk to people out there, no-one thinks that this is a minister that saw there was a problem and dealt with it front-on, in a trustworthy way. It has been a minister that has tried to obscure data, and there has been this incredibly confusing litigation of the argument by David Peffer on one side, providing information that the minister has said could not possibly be provided; there is then a leapfrogging, and she comes back in here and echoes the comments of David Peffer. It seems that he can make these comments and she cannot. She has been stonewalling. It is not just us who see that; everybody in the media has seen that as well.

With respect to suggesting that this has been some sort of smear exercise, we have stuck to the substantive issues that need to be addressed. They have been raised by the media and by the union. We are echoing the concerns that they have raised. That is why I quoted from the public record. The only person that decided to turn on the

political invective was Mr Rattenbury, who, after two minutes of speaking, instead of defending Ms Davidson, uttered some invective about the previous federal Liberal government and former Senator Seselja.

Instead of defending the minister on the substantive issues at play, he decided to go on a political rant, as did the Chief Minister. Instead of litigating, arguing and defending, he ignored the inquiry that he had instigated into her office. He ignored the problems that were being confronted in Dhulwa, pretty much glossed over the leak of private data and did not even refer to Justice Health or what I have said is happening in respect of veterans. The argument from that side has been weak; it has actually been to turn on the political smear.

The question before us is the one that Mr Cocks articulated so well. At the end of the day, this is a complex area of government. No-one is pretending that it is not. It is an important and complex area of government. We in the opposition have to ask: does this minister have our confidence, going forward? Can she fix these problems?

There are really substantive problems in Dhulwa, and now there is the relationship regarding the union and leaked data. There are significant problems now with the veterans' affairs portfolio and the distrust between veterans and the minister. There is the dysfunction in her office. Can any of us—certainly, the opposition cannot—put our hand on our heart and say that the minister is the best qualified and most capable person to address these complex issues? We have been in this chamber, we have listened to the debates, and we have heard her respond inadequately to the detailed questions that have been presented to her. I do not see how anybody, in good faith, could say that she will be able to fix these enormously challenging and difficult problems.

As I said at the outset, it is apparent to us, and it is apparent to others, that the reason that Ms Davidson is in this portfolio is not because she is the best person to be able to address and fix these very challenging issues; it is because of the deal stitched up by Mr Barr and Mr Rattenbury to secure government. Have they done this deal, stitched up their ministry and put people in portfolios based on what is in the best interests of the ACT, or have they done it in terms of what is in the best interest of their power-sharing agreement? I made that assertion in my speech and I have heard nothing from those opposite that would assure me that that is not the case.

We will, obviously, lose this debate today, but we will not give up on fighting for the patients in the mental health system and more broadly across our health system. We will not give up on holding this minister and others, but particularly this minister, to account. Although, for whatever reason—I guess it is the politics of it—you will run interference in defence of her today, I ask that you consider whether making a move in the future—whether by way of a reshuffle or a quiet change—would be in the best interests of the community and in your best interests. I know that there are people who can take over. I know that there are people ready and raring to go who would, I think, be in a better position to do so—ministers that would perhaps have the confidence of veterans, the confidence of patients, the confidence of the union and our confidence.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 15

Mr Cain	Ms Berry	Ms Orr
Ms Castley	Mr Braddock	Dr Paterson
Mr Cocks	Ms Burch	Mr Pettersson
Mr Hanson	Ms Cheyne	Mr Rattenbury
Mrs Kikkert	Ms Clay	Mr Steel
Ms Lawder	Ms Davidson	Ms Stephen-Smith
Mr Milligan	Mr Davis	Ms Vassarotti
Mr Parton	Mr Gentleman	

Question resolved in the negative.

### **Leave of absence—Ms Elizabeth Lee Statement by Speaker**

**MADAM SPEAKER:** I inform members that, pursuant to standing order 22, 18 weeks maternity leave has been granted to Ms Lee commencing on 11 April 2023, and I present the following paper:

Ms Lee—Leave of absence—Letter to the Speaker from Ms Lee notifying her period of maternity leave, dated 14 March 2023.

### **Leave of absence**

Motion (by **Ms Lawder**) agreed to:

That leave of absence be granted to Ms Lee (Leader of the Opposition) for this sitting due to personal reasons.

### **Petition**

*The following petition was lodged for presentation:*

#### **Roads—Harrison—petition 40-22**

By **Mr Pettersson**, from 370 residents:

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

The following residents of the ACT draw to the attention of the Assembly the alarming number of traffic safety issues around the Harrison Education Precinct, bordered by Mapleton Ave, Katoomba St, Nullarbor Ave and Flemington Rd. The roads, carparks and footpaths in the area have experienced a significant increase in traffic due to the increased population of both the education precinct and residential apartment blocks.

Despite repeated requests for the ACT Government to reassess the traffic and road safety strategy of the precinct as a whole, we have been disappointed by the fragmented, localised response to date.

There is major traffic congestion around the drop off and pick up times of both schools and the childcare centre in the area. Issues include the lack of pedestrian crossings, insufficient lanes for queueing traffic into schools, and insufficient parking facilities. These issues have led to frustrated motorists choosing dangerous driving behaviour, which is resulting in a concerning number of near misses. We are concerned that, if these traffic safety issues are not addressed immediately, future incidents could result in serious injury or death.

Pedestrian and cyclist access in the precinct is dangerous and needs to be improved dramatically, as this is a deterrent for citizens to utilise these active transport modes.

Your petitioners, therefore, request the Assembly to:

- fund an independent study of the Harrison Education Precinct and implement any recommendations as a result of this report in the 2023-24 budget.
- fund works at the bus stop on Nullarbor Ave outside the Harrison School senior entry (such as a recessed bus bay and wombat crossing), to ensure the safety of students using the bus stop.
- fund works around the Wimmera St and Nullarbor Ave roundabout, down to Flemington Rd to increase pedestrian and cyclist safety. Of concern is the traffic islands and ramps, queueing cars and crossing kids, and the access desire lines between the tram stop and the senior school entrance. Suggest barriers to stop pedestrians crossing at locations other than the crossings.
- review and make necessary changes to Katoomba St, to increase the visibility and presence of the crossing, improving pedestrian, cyclist and motorists' safety.
- review and make necessary changes to the section of Mapleton Ave from the intersection of Sapling St down to the intersection with Flemington Rd, to improve pedestrian, cyclist and motorists' safety.
- review speed limits in the side streets adjacent to the schools and childcare centre.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.*

**MADAM SPEAKER:** Pursuant to standing order 98A, I propose the question:

That the petition so lodged be noted.

**MR PETTERSSON (Yerrabi) (11.20):** It is my immense pleasure to rise and speak to this petition, which calls for a review and action plan for the road and pedestrian safety in and around the Harrison education precinct. I would particularly like to thank Shane Merry for his long and passionate advocacy on this issue, as well as the 370 local residents who supported this petition by adding their name and signature.



Harrison School and the broader education precinct have a real traffic issue and pedestrian safety issues. I have met with the P&C and I have met with staff at Harrison School over several years and I have made representations on their behalf.

They see that government has taken this issue seriously. Expert consultants have been engaged previously and their recommendations implemented. However, the issue still persists, and that is why I support this petition calling for a renewed focus on addressing these issues.

For the benefit of this chamber, I would just like to put on the record the requested actions of the petitioners. They request that the Assembly fund an independent study of Harrison education precinct and implement any recommendations as a result of this report in the 2023-24 budget; fund works at the bus stop on Nullarbor Avenue, outside Harrison School senior entry, such as a recess bus bay and wombat crossing to ensure the safety of students who use the bus stop; and fund works around the Wimmera Street and Nullarbor Avenue roundabout down to Flemington Road to increase pedestrian and cyclist safety.

Of concern are the traffic islands and ramps, queueing cars and crossing kids, and the access desire lines between the light rail stop and the senior school entrance. They suggest barriers to stop pedestrians crossing at locations other than the designated crossings.

They would also like to see a review of and necessary changes made to Katoomba Street to increase the visibility and presence of the crossing, improving pedestrian, cyclist and motorist safety. They would also like to see a review and any necessary changes to the section of Mapleton Avenue and the section of Sapling Street down to the intersection with Flemington Road to improve pedestrian, cyclist and motorist safety, as well as a review of the speed limits in the side streets adjacent to the schools and childcare centre.

Once again, I would like to thank the petitioners for this petition. It is a worthy one, and I will continue my advocacy on this issue.

**MR BRADDOCK** (Yerrabi) (11.23): I would just like to thank Mr Pettersson and everyone at the Harrison Parents and Community Organisation for their support on the petition. It is very closely aligned with the petition I tabled last week regarding Nullarbor Avenue. I will be looking with great interest at what we can do to improve the safety of all pedestrians of the areas—school children, parents and users of the area—in order to enable them to walk and ride their way to school safely. Thank you.

Question resolved in the affirmative.

## **Sport and recreation—dryland ovals—update**

### **Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.24): I rise today to

ask the Assembly to consider and endorse the government response to the motion Assembly Resolution of 30 November 2021—Dryland Ovals—Land and Management Plans.

On 30 November 2021 the Assembly passed the motion presented to the ACT Legislative Assembly by Ms Jo Clay regarding the future use of all dryland ovals in the ACT. The motion called for the ACT government to:

- (a) conduct public consultation on land management plans for urban open spaces with the local community, including on the 31 dryland ovals, with residents, local Parent & Citizen groups, local businesses and local community groups;
- (b) finalise updated land management plans, which will include specific consideration of dryland ovals and incorporate the feedback and aspirations on their future use received from the local community;
- (c) promote the Adopt-a-Park initiative and engage closely with community groups wanting to start projects to improve dryland ovals and other open spaces for community uses;
- (d) continue to work with the Florey Primary School and the community on commitments to improve the Florey oval to provide more active open space for the school and local community;
- (e) explicitly exclude the ACT's dryland ovals from future residential and commercial development, subject to consultation with the community; and
- (f) report back to the Assembly on progress on this motion by the first sitting week in 2023.

I am pleased to report that there has been significant progress made on addressing each element of the motion, which I will summarise chronologically.

The Transport Canberra and City Services Directorate, TCCS, is currently finalising a draft urban open space land management plan, which will provide the framework for the management of ACT's public urban open space network, including dryland ovals. This single plan, which is proposed to replace five existing land management plans, has been developed to meet the statutory requirements under the Planning and Development Act 2007 and to guide the management of the ACT government's public urban open space network.

The draft land management plan is one policy in a hierarchy of policies, legislative, strategic and operational, that together guide the provision and management of the territory's open space network. The draft land management plan recognises the critical role that community volunteer groups play in the management of our urban open spaces. TCCS currently supports over 80 volunteer groups that contribute to the conservation, presentation and maintenance of Canberra's open space network.

I understand the draft land management plan is currently being considered by the responsible minister, Minister Steel, and a draft for public comment is expected to be available later in the year. However, I would like to make it clear that consultation on the draft land management plan will not directly inform the future of dryland ovals. Any consultation on the future of dryland ovals specifically would be subject to separate community consultation at a later date as required, and no changes to the current status of these ovals will occur without first consulting with the community.

The draft plan will reflect the outcome of a desktop review of the 32 dryland ovals that was recently led by CMTEDD's sport and recreation team, which has the strategic lead in planning for future sports facilities. The review has essentially categorised that the 15 ovals be retained for possible future reactivation as formal sportsgrounds, in light of Canberra's growing population. The remaining 17 dryland ovals are recommended to be repurposed into some other form of public urban open space.

Such repurposing may include community-led activities under the Adopt-a-Park banner, rewilding initiatives, community gardens, or micro-forest initiatives similar to the Gawari Mada Holt Micro-Forest. Or they may be left as they are today as well used areas of informal open space, perfect for a morning stroll with the dog or a kick of the football.

I would stress, however, that the ACT government has never suggested that there is an intent for any of the 32 dryland ovals to be considered for any other purpose that is inconsistent with their primary use as public urban open space. Any suggestion to the contrary is misleading.

The Adopt-a-Park Community Grants Program is an important government commitment that allows the community to engage with nature on their doorstep. Working with the broad principles of looking after urban green spaces, the directorate invites community innovation, connection, learning and commitment. Minister Steel will soon open a new round of funding for Adopt-a-Park, and some groups may see an opportunity to invest in a future idea for one of the available 17 dryland ovals sites.

In fact, as members will know, work to repurpose a portion of the dryland oval in Florey has already commenced. A portion of the dryland oval is being redeveloped by the Education Directorate to maximise outdoor space for students at Florey Primary School. This area of the oval will be developed into a natural play space for use by school students and the wider community.

The ACT Education Directorate invited the community to have a say to help shape the future elements of the Florey Oval refresh project. In response to the community's feedback, a concept design for the Florey Oval refresh has been developed and was available on YourSay for further community feedback on 15 February 2023.

Finally, I would like to stress that our dryland ovals are a precious community greenspace resource. In partnership with the community, the government will move to ensure that we reserve some dryland ovals for their possible future reactivation as fully fledged sportsgrounds, noting that in the meantime they will remain as they are today—dryland ovals available as recreational open space. Redevelopment of any of the 32 sites for commercial and/or residential purposes will not be supported by this government.

I present the following paper:

Dryland Ovals—Land Management Plans—Assembly Resolution of 30 November 2021—Government response—Ministerial statement, 28 March 2023.

I move:

That the Assembly take note of the paper.

**MRS KIKKERT** (Ginninderra) (11.31): I wish to briefly respond to Ms Berry's statement with regard to the Florey dryland oval consultation and the work currently being done on the Holt dryland oval.

I welcome the government's close consultation with Florey Primary and the surrounding community. Giving children an appropriate opportunity to participate in a political process is a valuable experience for them. Being very familiar with the boundless limits of a child's imagination, I am keen to see their visions and ideas worked into the final design for the Florey Oval.

The wider community should continue to be consulted on the portion of the oval that is not included in the refresh. When the time comes to discuss the future of the rest of the oval, I encourage the government to consider the use of letterbox drops, in addition to the methods that were used for this latest round of consultation.

I wish also to speak on the rehabilitation of the Holt dryland oval, which is being reactivated for practise and competitive play. This is an important work to provide replacement playing fields in the Holt area. The Kippax expansion will be built partially on an existing playing field. So it is essential that replacement ovals are ready to go once that happens.

It is not typical of the government to have replacement infrastructure ready to go ahead of time, but it is welcome. If only they could have had replacement parking at Kippax ready to go before selling off the car park they sold last year, rendering it unusable for Kippax users.

The rehabilitation of the Holt ovals is evidence that the government can think far enough ahead to provide replacements but, for some reason, have chosen not to apply the same forward thinking to parking at Kippax. Perhaps their capacity for forward thinking is limited—very limited. Nevertheless, I warmly welcome the reactivation of the Holt ovals.

The draft version of the Urban Open Space Land Management Plan will have a big impact in the Belconnen region. Belconnen has the largest number of dryland ovals in the territory, and I look forward to scrutinising the plan to ensure that it will lead to the best outcomes for Ginninderra residents.

Question resolved in the affirmative.

## **High-risk weather season—summary 2022-23 Ministerial statement**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency

Services) (11.33): I would like to make a statement with regard to the end of the high-risk weather season. As the official 2022-23 high-risk weather season comes to a close this week, on 31 March 2023, I rise today to provide the Assembly and the community with a summary of the season.

I would like to take this opportunity to commend the ACT Emergency Services Agency and the ACT Parks and Conservation Service for their collaborative efforts in preparing for and protecting the ACT community during the 2022-23 high-risk weather season. I would like to pass on my sincere gratitude to all those involved in keeping the Canberra community safe.

The Australian Government Bureau of Meteorology declared a La Niña alert for the 2022-23 spring and summer periods. La Niña events increase the chances of above-average rainfall. Over the past 12 months, wet weather has affected large areas of eastern Australia, including the ACT, which has experienced flash and minor riverine flooding, intense storm activity and damaging winds.

The bureau's outlook for February to April 2023 is for a return to more normal weather conditions. It is estimated that rainfall will be below the median and temperatures will be warmer than the median. This scenario, on the back of the wet weather over the past 12 months, may see some continuance of potential grassfires over the April period. It will also allow agencies to continue hazard reduction activities that were deferred due to the wet weather conditions of the past two years.

As of 1 March 2023, the ACT Rural Fire Service responded to 29 grassfires during the 2022-23 bushfire season. Two of the grassfires were ignited on 15 January 2023. An initial fire started near Gordon from dry conditions and lightning strikes, and a second fire was reported around 1½ hours after the first ignition. Fire crews responded quickly and were able to extinguish both fires, keeping them two and one hectares in size. Aircraft was effectively utilised for both fires. One of the waterbombing helicopters minimised fire spread until ground crews arrived on the scene.

A fire started on Mt Ainslie on 5 February 2023 and was effectively contained and quickly extinguished by ACT Rural Fire Service and ACT Fire and Rescue crews. Yet again, aerial firefighting capability enhanced the response and was critical in supporting ground crews. This fire produced a smoke plume that was visible to the community from the city and surrounding suburbs and triggered multiple emergency triple-zero calls to the ESA Communications Centre.

The largest fire of the 2022-23 fire season started on 28 February with an accidental ignition at the Australian Federal Police training centre and then jumped into the Australian Defence Force Majura range. This fire burned approximately nine hectares, as crews were unable to access the area due to the presence of unexploded ordnance. The response reflected the excellent relationship and close cooperation between the ESA, AFP and ADF in dealing with the complexities of fires of this nature.

ACT Rural Fire Service volunteers and PCS have been able to implement hazard reduction and cultural burns during the past month. Although the ACT is in the declared fire season, weather conditions have been within prescription to allow the burns to be completed in a safe environment.

The dedication and hard work of ACT RFS volunteers, PCS and supporting services to remain prepared and ready throughout the season meant that all of the fires that have occurred to date were attended to quickly and controlled effectively, resulting in no loss of life or property.

In addition, and as a result of the great work undertaken by rural landholders, land managers and PCS, through slashing, physical removal and grazing, the risk posed by grassfires across the territory was substantially reduced. I would also like to commend the community for their diligence in preparedness activities and completing their emergency survival plans.

The ACT State Emergency Service has supported the Canberra community through yet another hazardous storm season driven by the La Niña climate. As of 1 March 2023, the 2022-23 storm season has seen ACT SES respond to 1,499 requests for assistance.

The most notable severe weather event occurred on 4 January 2023, which required a coordinated response from across the ACT government and other agencies. This weather event saw our emergency services volunteers and staff respond to 54 requests for assistance. Crews from the ACT SES, ACT RFS and ACT Fire and Rescue provided support. Transport Canberra and City Services provided support for the removal of trees blocking roads, allowing Evoenergy to address the loss of power, and ACT Policing and TCCS managed a number of road closures due to localised flooding.

The lessons learned from the January 2022 storms, including timely community messaging, cross agency coordination and operational preparedness, were put to good use during this event and throughout the entire season.

Our ACT SES personnel have been supported all year round by volunteers and staff from across the ESA, including from ACT Fire and Rescue and ACT RFS, as well as colleagues from ACT Policing, Evoenergy, PCS and TCCS. This has enabled a timely and coordinated response to the variety of storm impacts, such as leaking roofs, major housing damage due to large fallen trees, minor flooding, road closures and electrical threats.

It is not only the Canberra community to whom our emergency services personnel have responded in support of. Throughout the season the ACT provided assistance to other jurisdictions, including New South Wales, Victoria and South Australia, during periods of heavy rainfall and flooding. This support was inclusive of Incident Management Team specialists and ground support.

Members from ESA, including ACT SES, deployed to Swan Hill in Victoria and Wagga Wagga in New South Wales in November 2022 to provide critical IMT functional roles to support flood operations, including planning, mapping, resourcing and management support.

Throughout December and January, ACT SES completed seven rotations of volunteers to South Australia to provide critical flood-pumping support to the Murray

River flooding. This flooding impacted communities from the Victoria and the South Australia border all the way down to the Murray River mouth at Goolwa in South Australia.

Volunteers supported local communities through the use of the high-capacity pumps, which can move an extraordinary amount of water—a total of 6,000 litres per minute. A huge thank you to all of the volunteers that take time out of their personal lives to help not only their own community but also communities across Australia. You are an outstanding reflection of the agency and the giving nature of Australians.

It is a timely reminder to all Canberrans that, although the period of heightened storm activity has ended, storms can happen all year round, and it is important to remain prepared and know what to do if you become affected by a storm by ensuring your gutters are clear, preparing an emergency plan and understanding the risks associated with your area.

In relation to aerial capability, the ACT, through the National Aerial Firefighting Centre, contracted one light helicopter with specialist intelligence-gathering capability and two medium helicopters to provide dedicated aerial firefighting services to the ACT for the 2022-23 bushfire season. The use of the SIG helicopter for the season provided a valuable asset in the early detection and confirmation of active fires. Community members may have seen these aerial assets in the skies during the grassfires that did occur.

In fact, the ACT RFS contracted aviation assets assisted ground crews on the Mount Ainslie, Gordon, and Smiths Road grass fires, including water bombing areas of fire that were difficult to access by road. This support proved to be vital in slowing the spread of the grassfires, allowing ground crews to safely arrive on the scene and extinguish the ignition.

In preparing for the 2022-23 high-risk weather season, the ESA engaged in extensive preparedness and readiness activity. Through the Be Emergency Ready campaign, the ESA worked tirelessly to increase community awareness around the preparation for a range of hazards. The campaign had a strong focus on educating the community on the national updates to the Australian Fire Danger Rating System and the Australian Warning System. The campaign saw several engagement opportunities, including Be Emergency Ready Day; personnel in attendance at Floriade; and the annual ACT Fire and Rescue Community Fire Unit pop-ups as part of CFU Saturday.

Through a number of platforms, including social media, radio and print media, the ESA continues to keep the community informed about all hazards. The ESA's social media channels have seen over seven million impressions, with over 444,000 engagements since September 2022, and more than 36 alerts and warnings have been issued by the agency.

The government is acutely aware of the threat that natural hazards present to our city. Reflecting on just the past few years alone and the level of severity linked with extreme weather events—although figures are down from last hazard season—the ESA website still had over 1,600 visits, with 560 downloads of the survival plan. So the community is becoming more conscious of the hazards that are present and have a clearer understanding of the preparations required to maintain their safety.

Although the higher-risk weather season has officially come to an end, it is important to remember that emergencies can happen anywhere, anytime and without warning. Be emergency ready all year round by preparing a survival plan and kit and understanding the risks associated with your area. I encourage all Canberrans to learn more about how they can be emergency ready by visiting [esa.act.gov.au](http://esa.act.gov.au).

I am consistently impressed with the adaptability of our volunteers and personnel. Their ability to maintain operational readiness whilst responding to dynamic and unprecedented incidents is a true testament to their collaborative approach, community spirit and dedication. The journey of protecting our community is an iterative process. We build on this work year on year as we continuously evaluate, learn and improve.

Once again, thank you to all our volunteers and staff across government for their unwavering commitment to prioritising the safety of Canberrans and our community.

I present the following paper:

2022-23 High-Risk Weather Season—Summary—Ministerial statement,  
28 March 2023.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Environment—National Landcare Program 2018-2023 Ministerial statement**

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (11.46): I rise to draw the Assembly's attention to the work that has been undertaken by the ACT's Natural Resource Management program, referred to as NRM, in partnership with the Australian government and the ACT community over the past five years under the National Landcare Program.

The current round of the National Landcare Program, or NLP as it is commonly called, will come to an end in June 2023. It is worth reflecting on the significant achievements this three-way partnership has delivered in the ACT over the past five years in improving the health of our natural resources on farms, in our conservation estate and in other tenures despite drought, fire, floods and COVID.

The NLP is an Australian government \$1 billion natural resource management program aimed at improving soils, water, landscapes, biodiversity, ecological communities and species across Australia and building community capacity to contribute to decision-making and on-ground effort to improve and enhance our natural resources.



Under the NLP program from 2018 through to 2023, the Australian government has devolved more than \$450 million to the 54 regional natural resource management organisations across Australia, including ACT NRM in the ACT government's Environment, Planning and Sustainable Development Directorate, to deliver on-ground environmental and sustainable agriculture improvements and build the capacity, skills and knowledge of the community.

ACT NRM received \$7.3 million to deliver nine large programs that achieved the Australian government, ACT government and community natural resource management priorities. The Australian government's contributions have been significantly augmented by the ACT government contributing to ACT NRM through direct funding, in-kind support and the provision of internal expertise and experience.

In addition, various units of the ACT government, such as Conservation Research and the ACT Parks and Conservation Service, have collaborated with ACT NRM to help design and deliver NLP projects. This funding has also supported the development of the draft *Caring for Dhawura Ngunnawal: a natural resource plan*, which, when finalised and released, will outline pathways to protect, enhance and sustainably use natural resources within the ACT over the next 20 years, reflecting community and government aspirations.

The program has also made a significant contribution to ACT NRM's First Nations engagement and participation in protecting and enhancing the ACT's natural resources, supported by the ACT NRM's Aboriginal NRM team. ACT NRM has a long history of working with the ACT's Ngunnawal people in the design and delivery of project services, and the NLP has continued that commitment. Following the devastating impact of the 2020 Orroral Fire on the natural environment and traditional custodian heritage values, ACT NRM has supported Ngunnawal people to identify priorities for bushfire recovery in Namadgi National Park.

Five on-country workshops are being delivered to share land management skills that can lead to employment pathways for Ngunnawal people, now and into the future, covering cultural fire management; seed collection and nursery management; women's business; and cultural interpretation.

The NLP funded ACT NRM to deliver the Connecting and Protecting Endangered Woodlands project, focusing on the critically endangered threatened white box-yellow box-Blakely's red gum grassy woodland and derived native grassland ecological community in the ACT. This vegetation community has been the focus of restoration, pest animal and weed control activities, and community and farmer engagement to improve understanding and skills in protecting this precious community. The project is benefiting threatened and declining woodland bird species and other fauna that is dependent on these box gum woodlands. The project has achieved more than 547 hectares of weed control and more than 470 hectares of revegetation of box gum woodlands across farms and public land in the ACT.

The project achieved a high degree of participation in on-ground environmental restoration activities on farms by building the knowledge of farmers who host box gum woodlands on their farms. Farmers were provided with simple clear information

on how to look after woodlands; offered a tour of Mulligans Flat Woodlands Sanctuary nature reserve; offered one-on-one farm walks with the ACT NRM ecologist; supported to join the Land for Wildlife program; and invited to join the Beautiful Birds, Bush and Brunch farm walk organised by the ACT's Regional Agriculture Facilitator.

In addition, the ACT's Regional Agriculture Facilitator has brought urban and farming communities together to assist woodland restoration by organising four successful community tree planting events to improve the condition of box gum woodlands on farms and reserves. This has included two Landcare for Singles events, one LGBTQIA+ event and an EPSDD staff event. All four events were well attended, with participants keen to do more tree planting.

Another project undertaken is the Reducing the impacts of sambar deer in the ACT's Ramsar site—the Ginini Flats Wetlands Complex project, which was undertaken in collaboration with the ACT Parks and Conservation Service. The Ramsar-listed Ginini Flats Wetland Complex is the largest intact sphagnum bog and fen community in the Australian Alps and supports threatened species, including the northern corroboree frog, and is threatened by wallowing, trampling and browsing by the introduced pest species, sambar deer. The project is an example of best practice NRM, with ACT NRM and the parks service commissioning a literature review on deer control, which then formed the basis for a sambar deer experts workshop in April 2019 to examine best practice monitoring and management.

Out of the workshop, the ACT Parks and Conservation Service, with support from the New South Wales and Victorian governments, designed and implemented a monitoring and control program for sambar deer that has proven to be a national-level game changer on how to achieve control of this pest animal.

Technology deployed in sambar deer control activities, including drones and cameras, have contributed to the success of the program. This combination of technologies has resulted in a significant improvement in detections and deer control, increasing from a low base to well over a 90 per cent success rate. Over the four years of the trial, more than 229 introduced pest animals, including 116 sambar deer, have been removed. This has led to a significant improvement in the ground cover and condition of the wetlands complex. This methodology, previously not used in Australia and considered experimental, is now the basis for future sambar deer control on ACT reserves.

The Safe Haven for Quolls and Bettongs in the ACT project has been undertaking preparation work to enable the reintroduction of threatened eastern quolls and eastern bettongs into the expanded Mulligans Flat Woodland Sanctuary at Goorooyaroo Nature Reserve. A network of wildlife cameras, reviewed by community volunteers, and on-ground fauna surveys have monitored the presence of pest animals and eastern quoll prey availability to ensure the intervention's success. This has led to the implementation of pest control programs to eradicate pest animals from the new sanctuary area, targeting foxes and cats. Reintroductions of quolls and bettongs will be occurring shortly and this will lead to the enhanced ecological function of the box gum woodland threatened ecological community within the new sanctuary. The project will add to the body of successful ecosystem restoration achieved at the Mulligans Flat Woodland Sanctuary over the past decade.

The NLP program has also funded the ACT's Regional Agriculture Facilitator, who has worked closely with the ACT farming community to support them to adopt new and innovative sustainable agriculture practices and become more resilient to climate change. The Better Land Management Practices—Building Evidence for Practice Change project has supported the establishment of more than 15 liming trials and demonstrations on ACT farms to show how the application of lime can address inherent and induced soil acidity and improve soil health, pasture diversity and farm productivity and resilience through drought. In addition, 28 ACT farmers have completed soil health training or joined a farm walk to learn more about managing soil acidity under ACT conditions.

The Resilient Farms—Supporting Adaptation to Climate and Market Variability project supports ACT rural landholders to adapt their farming operations to already observed and projected climate change impacts, as well as introduce ACT farmers to market-based instruments and other approaches that support innovative, efficient, sustainable, climate resilient farming in the ACT. Under the Resilient Farms project, a peer-based ACT Grazing Group has been formed, comprising interested ACT rural landholders who come together to share knowledge and experience around farm management. The group recently went on a field trip to Crookwell to visit regenerative farms and see how a similar group in the Upper Lachlan catchment support each other through drought and other challenges.

There are more really great stories to come out of the local delivery of the NRM under the Australian government's National Landcare Program. It is a very important partnership and is achieving lots of wins for the environment, for sustainable agriculture and for our Ngunnawal and broader ACT community. We thank the Australian government for their support for NRM in the ACT and across Australia. I would like to thank the ACT NRM team and the many individuals and organisations who have worked with the ACT NRM to achieve so many important outcomes.

While the current round of NLP is finishing, the next iteration of the Australian government's natural resource management funding is being developed for the next five years. The ACT government is applying once again to deliver this funding in the ACT in 2023 to 2028. We look forward to the outcomes of this new phase of the Australian government's natural resource management funding and the fantastic outcomes it will deliver over the next five years.

I present the following paper:

ACT Wrap-up of the five-year National Landcare Program 2018-2023—  
Ministerial statement, 28 March 2023.

I move:

That the Assembly take note of the paper.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency

Services) (11.59): I want to thank the Minister for the Environment for bringing attention to the works undertaken by the ACT's Natural Resource Management program, in partnership with the Australian government and the ACT community over the past five years under the National Landcare Program, and I would like to add to her remarks by highlighting the efforts of ParkCare volunteers that work in the ACT parks and reserves.

Landcare is, of course, a critical part of the ACT's environmental land management. The national Landcare program has had significant success in the past five years, with the current round of the program due to close in June 2023. Landcare provides an opportunity for us to work together to care for land, protect our natural resources and improve biodiversity for generations to come.

The ParkCare volunteers program is a critical element of Landcare volunteering in the ACT. The ParkCare initiative has been a flagship community volunteer program hosted by the ACT Parks and Conservation Service for over 30 years. The program works in partnership with the community to provide volunteer opportunities for people of all ages, backgrounds and abilities. ParkCare has over 1,880 registered volunteers who contribute their time, passion and knowledge to protect and preserve our natural resources in the ACT.

In the 2021-22 financial year, the ParkCare volunteers contributed over 21,000 hours of their time to improving conservation outcomes across the ACT. I do want to recognise the significant achievements that ParkCare volunteers have helped deliver in over 25 years of the ACT's parks and reserves program. These works are vital to the continued conservation of the ACT's flora and fauna and improvement of biodiversity outcomes. ParkCare volunteers play a critical role in invasive species management and weed control activities. In this financial year alone, they have recorded over 380 hectares of invasive plant control across Canberra Nature Park. In addition to invasive species management, ParkCare volunteers deliver erosion control, native regeneration and wildlife corridor restoration projects. This work underpins the broader works of the ACT Parks and Conservation Service and is managed in partnership with ACT Parks and Conservation staff.

I also recognise the citizen science projects that ParkCare volunteers have been involved in. ParkCare engage in various wildlife surveying, including platypus, kangaroo and fish surveys. More recently volunteers have begun to support the key project involving the endangered grassland earless dragon at Tidbinbilla Nature Reserve. I acknowledge the broader-reaching areas of ParkCare, including the visitor interpretation and guided walk activities that support members of the public to engage with their local history and the environment and help educate people on conservation objectives and outcomes. For example, the nature play activities delivered by our ParkCare volunteers to children during school holidays help engage our younger audience to value our parks and reserves and introduce the importance of conservation.

The ACT government continues to provide ongoing support and work in partnership with ParkCare volunteers, to work towards positive environmental outcomes and engage members of the community in local conservation projects. I would like to thank everyone involved in these programs for the love and care they show towards our bush capital.

The ACT government provides significant support to Landcare through funding partnership programs, grants programs and community stewardship programs, and I would like to acknowledge Landcare ACT as the peak representative body for community land care in the ACT region. They support over 70 Landcare groups and thousands of on-ground environmental volunteers in our region, through both the ParkCare and Urban Landcare programs. Landcare ACT and the three catchment groups, Ginninderra Catchment Group, Southern ACT Catchment Group and the Molonglo Conservation Group, play a key role in volunteer coordination and providing critical services to the ACT.

Whilst the current round of the national Landcare program is due to finish at the end of this financial year, I look forward to what the ACT government can achieve in 2023 through to 2038 and the outcomes of the new phase of natural resource management funding.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee Scrutiny report 27**

**MR CAIN** (Ginninderra) (12.04): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 27, dated 27 March 2023, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR CAIN**: Scrutiny report 27 contains the committee's comments on 16 pieces of subordinate legislation and four government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Public Accounts—Standing Committee—report 16— government response Justice and Community Safety Directorate—2022-2023 budget review—corrigendum**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (12.05): For the information of members, I present:

Budget 2022-2023—Financial Management Act, pursuant to section 13—  
Delivering for Canberrans: now and into the future—Supplementary Budget  
Papers—Justice and Community Safety Directorate—Corrigendum.

I also present:

Public Accounts—Standing Committee—Report 16—*Inquiry into the Appropriation Bill 2022-2023 (No 2) and Appropriation (Office of the Legislative Assembly) Bill 2022-2023 (No 2)*—Government response, dated March 2023.

The report was presented to the Assembly on 21 March.

I seek leave to make a brief statement in relation to the papers.

Leave granted.

**MR BARR:** I present the government's response to the recommendations raised by the Standing Committee on Public Accounts inquiry into the second appropriation bills. The budget review was presented to the Assembly on 9 February and it details how the government is continuing to meet the challenges of a growing population, addressing cost-of-living pressures, investing in our people and our places, and embedding a long-term plan for the delivery of services and infrastructure that will drive economic growth into the future.

I want to thank the committee and the Assembly representatives for their analysis of the budget review and the accompanying supplementary appropriation bills. I further acknowledge the assistance provided by the secretariat in the preparation of the final report. The government respects and values the important role played by the committee in scrutinising the proposed expenditures and, in delivering the response that I have just tabled, I affirm the government's commitment to transparency in the budget papers and related documentation to ensure that our practices strengthen the integrity and accountability of the management of the territory's finances.

The standing committee report contains five recommendations related to either the budget review or supplementary appropriation bill matters, and, as they are relatively small in number and the government response outlines them in detail, I will, in summary, indicate that the government agreed in principle to two recommendations, acknowledged a further two that are already part of existing government policy and noted one recommendation. I consider none of the issues raised in this report should prevent the passage of the supplementary appropriation bills.

On behalf of the government, I present the government's response to the Assembly and look forward to debating the appropriation bills after private members' business later this afternoon.

**Sitting suspended from 12.08 to 2.00 pm.**

### **Questions without notice**

#### **Canberra Health Services—data security**

**MR HANSON:** My question is to the Minister for Health. Minister, last week in relation to the patient privacy breach at CHS, you said:

There is absolutely no evidence that this has occurred in any other area of the health system. I would encourage the opposition to not engage in these scare tactics which will only create concern for people who are accessing our health services.

The next day, the *Canberra Times* reported:

Mr Peffer said a number of staff across the health service had come forward after he sent an all-staff email about the original patient privacy breach.

It then goes on to say that one senior nurse has been stood down over a major breach. Minister, was the nurse who was stood down internal or external to the Dhulwa facility?

**MS STEPHEN-SMITH:** I thank Mr Hanson for the question. It was a completely separate issue in relation to the nurse who was stood down. It was completely unrelated and was also, as I think Mr Peffer has been clear about, it was a one-off event and a very, very different type of release of information than the one that is alleged to have occurred in relation to the small number of staff at Dhulwa. My understanding from talking to Mr Peffer is similarly that, with the other people who have come forward, it has been a very, very different type of incident. So just to be very clear, in last week in responding to the question, the question was very clearly about whether this type of activity had been occurring elsewhere. Mr Peffer has been clear, both publicly and in his conversations with me, that the incident in relation to the individual nurse was a one-off release and was very different in nature. He has also advised where other people have come forward that has also been not in any way similar to the alleged behaviour of the small number of people who have been either terminated or stood down.

Mr Peffer has also been clear that sometimes people make mistakes in relation to health information. One example I think recently provided was someone inadvertently picked up two pieces of paper off a photocopy machine and folded them together and sent them out in the same envelope. So human error does sometimes occur. So there is a wide range of issues that have come to light over time, but in terms of the question—*(Time expired.)*

**MADAM SPEAKER:** Your time has expired.

**MR HANSON:** With the release of information for which a senior nurse was stood down, was that release to the union or was it to another body? If so, to whom was it to?

**MS STEPHEN-SMITH:** The matter is also under investigation. So I will take some advice on what information I am able to provide. I will get that advice as quickly as I can. I hope to come back after question time with a response to that.

**MS CASTLEY:** Minister, will you ensure that all Canberra Health Services will be covered by the Integrity Commissioner's inquiry into privacy breaches?

**MS STEPHEN-SMITH:** As you would expect, I have not had any conversations with the Integrity Commissioner about this matter. It is entirely a matter for the Integrity Commissioner how widely or how narrowly they chose to undertake their investigation.

**Canberra Health Services—data security**

**MS CASTLEY:** My question is to the Minister for Health. Minister, following revelations of patient privacy breaches last week, the union involved hit back with counterclaims. They are reported as saying that if nurses were guilty of unlawfully disclosing information, so were bosses within Canberra Health Services, as they had disclosed patient information to the federation. Minister, to your knowledge, have bosses disclosed patient information to the union, as the union has claimed?

**MS STEPHEN-SMITH:** We spoke about this quite considerably last week. Canberra Health Services was clearly of the view that the nature of the alleged information sharing from three staff—one has been terminated and two have been stood down—was a very serious matter and not something that would routinely happen nor that would be a normal matter that is investigated because someone inadvertently or in a one-off way released information to the union.

In relation to work health and safety issues, there are regularly conversations with the union when a staff member raises concerns about their own safety or the safety of their colleagues, or about their capacity to deliver safe care for patients—for example, when there are staffing pressures in—

**Mr Hanson:** A point of order on relevance, Madam Speaker. The question goes to whether the allegation from the union that bosses had also disclosed information to the union is true or not.

**MADAM SPEAKER:** I understand that the minister is responding appropriately and stating awareness of conversations between the service and the union.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. That is exactly what I was talking about. I am clearly not in a position to say that something definitively has or has not occurred. If the opposition are aware of any specific allegations in relation to the release of identified patient information then they should pass those allegations on. In relation to the conversations that I have had about workplace health and safety and patient safety—I have run out of time now, but Mr Hanson interrupted. *(Time expired.)*

**MS CASTLEY:** Minister, what investigations have you done to prove or disprove the union's allegations?

**MS STEPHEN-SMITH:** I have had a number of conversations with Mr Pepper over the last few weeks about all these types of related matters. In relation to work health and safety issues where there may be a concern about the safety of an individual staff member or their colleagues, or about patient safety, there may be a conversation where the union is present, with a staff member or representing staff, to talk about the risk that a particular patient is presenting to staff or the risk that a particular situation is presenting to the safety of a patient. There should not be a need for those patients to be identified by name. It should be sufficient for the circumstances to be discussed without patient data or information being identified. In fact, if you listen to Mr Daniel's interviews on radio, that is exactly what he is saying. He is saying that information is routinely shared, but best practice is to not have that patient—



**Ms Castley:** A point of order on relevance, Madam Speaker. The minister is answering Mr Hanson's question. I have asked what investigation the minister has done to prove or disprove the union's allegations.

**MADAM SPEAKER:** I think she is in order. Without paraphrasing you, Minister, you have had many discussions.

**MS STEPHEN-SMITH:** Yes, I think I have already answered that question. I am trying to provide some further context for the Assembly in relation to Ms Castley's question, which related specifically to the allegations made by the ANMF. The ANMF secretary himself has said that best practice is that that information is shared in a de-identified way, if it needs to be shared at all.

**MR COCKS:** Minister, to your knowledge, has private patient information ever been provided to you or any other minister?

**MS STEPHEN-SMITH:** I thank Mr Cocks for the question. Yes, patient information is provided to me on a regular basis, when patients write to me or when someone else writes to me on their behalf and I write back to them, if they have signed a release. Everyone in the chamber would be familiar with the process of getting a release of information form. If they are able to get that personal information about an individual patient or if the individual patient has written to me, expressing concerns about their care, or if a parent is expressing concern about a child's care—

**Mr Hanson:** What about from the union? Has the union given you information?

**MS STEPHEN-SMITH:** Mr Hanson, I am answering the question that I was asked. If you want to ask a different question, you will have an opportunity, I am sure, in supplementary questions. I am answering the question that I was asked, which was: do I sometimes receive individual patient information? Yes, I do. I am sure Minister Davidson does as well. It is, in fact, part of our jobs.

### **Lake Tuggeranong—water quality**

**MR DAVIS:** My question is to the minister for water. Minister, it would not be a sitting week in this place if I did not ask you about water quality in our urban lakes and waterways—in particular, water quality in Lake Tuggeranong and the surrounding catchment, an issue that is raised with me on an almost daily basis by my constituents. I saw last week that Upper Murrumbidgee Waterwatch released their latest Catchment Health Indicator Program report. Could you please update the Assembly on this report and its results?

**MR RATTENBURY:** Yes, the Catchment Health Indicator Program report, or the CHIP report, as it is commonly known, was released last week. It contains data collected by over 200 volunteers. It is an enormous exercise of citizen science. It helps the government to get a better understanding of the state of health of our waterways. It includes 1,992 water quality surveys, 192 waterbug surveys and 232 riverbank condition assessments.

The 2022 report does tell a positive story for our waterways. The La Nina conditions persisted for a third consecutive year, with increased run-off and high energy flows in our waterways. The high flows had a flushing effect on our rivers, improving dissolved oxygen levels and diluting salts and minerals. This produced overall positive results for water quality.

This year we had the highest number ever of “excellent” and “good” ratings recorded in the nine years that the CHIP report has been produced in its current format. It breaks the previous record set in 2021.

Specifically, on Lake Tuggeranong, in which I know a number of members have an interest, results for sites in the Lake Tuggeranong catchment showed a general trend of improvement on the previous year. We know there are some complex issues with Lake Tuggeranong, and it is heartening to see this improvement in the health of the lake, which is such an important hub for the community.

Lake Tuggeranong itself improved from “poor” in the previous year to “fair” in 2022, a welcome outcome for waterway health and for the many local residents who enjoy the surrounds of Lake Tuggeranong. Isabella Pond, the main settlement pond for waters entering Lake Tuggeranong, and the Lake Tuggeranong wetlands both remained stable, in a fair condition. In the broader catchment, over half of the sites in the southern ACT catchment showed increased dissolved oxygen levels, which is an indication of improved health.

There is a lot more detail in the report, but I am pleased to see that there are positive signs there. We do still have a lot of work to do in the Tuggeranong catchment.

**MR DAVIS:** Minister, could you provide an update specifically on work that the government has done and investments that the government has made to improve water quality in Lake Tuggeranong and the surrounding catchment?

**MR RATTENBURY:** As members may recall, we have done quite a lot of work through the ACT Healthy Waterways program to improve the quality of water entering our lakes and waterways and flowing downstream into the Murrumbidgee River system. Under stage 1 of the Healthy Waterways program, the government built seven water quality infrastructure assets in the Lake Tuggeranong catchment, as part of the \$93.5 million co-investment with the Australian government. These assets included rain gardens, a wetland and waterway restoration project. These are contributing to a significant reduction in nitrogen, phosphorus and suspended sediments entering Lake Tuggeranong via urban stormwater.

As per the CHIP report, phosphorus concentrations have decreased across the Lake Tuggeranong catchment, even though we did, unfortunately, continue to see algal blooms in both Lake Tuggeranong and at Point Hut. Nitrates were still detected at high levels in the Lake Tuggeranong catchment. These are an ongoing issue because of the highly urbanised catchment.

The government is now working on implementing stage 2 of the Healthy Waterways program, which will see the construction of up to 10 new water quality assets in the Lake Tuggeranong catchment. These include a set of bioretention swales to replace

the existing grass swales draining the Kambah playing fields, where nutrients have been detected from the use of fertiliser on those playing fields.

The sort of assets that have been constructed in the Tuggeranong catchment are innovative designs to expand our management options for improving water quality outcomes for our lakes and waterways. The government is also working with university and community partners to provide community education and support for positive behaviour change. The Leaf Collective, of course, is the most well-known example of that.

Overall, I am pleased to see, through this sustained investment and favourable weather conditions, some positive signs in this year's CHIP report.

**MR BRADDOCK:** I would be interested in what updates you can provide about Yerrabi Pond, Minister.

**MR RATTENBURY:** Yerrabi Pond received a rating of "fair" in the latest CHIP report, the same as in 2021. There have been algal outbreaks in Yerrabi Pond in recent times, which, again, I know will be a source of frustration for the local community. As part of the Healthy Waterways program, the government recently installed floating wetlands in Yerrabi Pond, to help to improve water quality. The floating wetlands are designed to help to reduce the growth of algae in the lake by lowering nutrient levels locally in the pond water and directly competing with the algae for light.

At about double the size of floating wetlands recently installed in Lake Tuggeranong, the 1,000 square metres of wetland platform has been deployed as multiple platforms in Yerrabi Pond. The reason for doing it this way is to lower the risk of damage by wind or currents. Based on the experience with the floating wetland in Lake Tuggeranong, the Healthy Waterways team are expecting quite rapid plant growth on the Yerrabi floating wetlands. This plant growth will create habitat for waterbirds and other aquatic fauna, with the added benefit of being an attractive addition to the visual lakescape for locals.

While the floating wetlands will help to improve water quality in Yerrabi Pond, my view is that more does need to be done to reduce nutrient levels to a point where nuisance algae are no longer an issue in that water body. The Healthy Waterways team will soon create a catchment plan for Yerrabi Pond. That will plot a pathway to a cleaner future for that waterway. It will include plans for both assets that filter pollution from stormwater, like the floating wetlands, and infrastructure that helps to restore some of the catchment's natural cleansing function, so that stormwaters do not get polluted in the first place. These will be similar to other examples across the city.

### **Canberra Health Services—data security**

**MS CASTLEY:** My question is to the Minister for Health. I refer to a statement from the head of the Australian Nurses and Midwifery Federation about the patient privacy breach from last week. He stated that the union had a 'longstanding relationship with Canberra Health Services around the lawful disclosure of personal information when nurses and midwives had specific concerns around patient safety'.

Minister, is there or is there not a longstanding relationship that allows disclosure of personal patient information to the union when nurses and midwives have specific concerns?

**MS STEPHEN-SMITH:** It seems that, in my previous answer, I pre-empted Ms Castley's question. I did speak specifically about what Mr Daniel, the ACT secretary of the ANMF said in relation to that, which was that the best practice in those circumstances is that patient data is shared in a de-identified way where that is relevant to addressing either work, health and safety concerns of staff or concerns from staff around their capacity to deliver safe and appropriate patient care for an individual patient.

Yes, there is a longstanding and strong relationship between Canberra Health Services and the Australian Nurses and Midwifery Federation. It is a relationship that this government strongly supports—a relationship between an organisation and a union to ensure that staff are being appropriately represented by their industrial representatives when they have concerns about work, health and safety or around the capacity to do their job in the way that they would like to do it to ensure patient safety.

We believe that the union is a very important partner in that work, and we hope that we can continue to maintain a positive relationship with the union, despite the significant challenges that this current situation is presenting, because we know that it is very, very important that our staff are able to be appropriately represented by their relevant union.

**MS CASTLEY:** Minister, how can you rule out previous disclosures, given the union claims this is a 'longstanding' practice?

**MS STEPHEN-SMITH:** I have not and I cannot possibly rule out previous disclosures. What I said last week was that there was no evidence that the type of activity that had been identified and alleged in relation to these three staff members and the 13 patients that it related to is widespread in the organisation.

I would emphasise the points that Minister Davidson has previously made around the very significant training of staff. My understanding is that there are two separate modules that all staff complete in relation to information sharing and patient privacy and there is an additional module that mental health staff are also required to complete. In addition, all of our health professionals that are registered professionals are required to update their registration details every year and, in doing that, they also, I understand, are reminded and sign up to their obligations under the professional codes of conduct.

I think we can see from the number of referrals that have been made in relation to this specific alleged matter that there are a number of potential consequences for staff if they do in fact breach patient privacy.

**MR COCKS:** Minister, will you guarantee that any and all staff involved in an inappropriate disclosure of a patient's personal information will be stood down and/or dismissed?

**MS STEPHEN-SMITH:** I thank Mr Cocks for the question. I have been very clearly advised by Canberra Health Services that staff are treated equally in relation to matters of potential and alleged misconduct. It would depend on the circumstances of individual matters what that treatment was—whether that was standing down, whether that was termination or whether that was a different response in terms of potential preliminary assessment under the enterprise agreement. But there are very clear processes in place, through the enterprise agreement and through public service standards, that are followed when these types of issues come to light.

### **Work health and safety—silica dust**

**MR PETTERSSON:** My question is to the Minister for Industrial Relations and Workplace Safety. Minister, what steps has the ACT government already taken to address the risk of silica dust?

**MR GENTLEMAN:** I thank Mr Pettersson for the question and for his interest in worker safety across the ACT. The more we learn about silicosis the more evident it becomes that this is a devastating and debilitating disease. Silica exposure is emerging as a significant health risk with the potential to be as, if not more, harmful than asbestos, so the ACT government takes this risk very seriously and we will always prioritise the safety of workers. That is why the government released its Silica Dust Reforms Action Plan in 2022 to help improve work safety and better protect workers from silica dust exposure. This action plan set out a number of planned reforms to be implemented in phases.

The first of these reforms involves amendments to the Work Health and Safety Regulation made in July 2022 to mandate training in silica awareness for workers whose jobs put them at risk of silica exposure or involve working with silica products. This training needs to be completed by July this year. Changes were also made in order to ban the uncontrolled dry cutting of certain silica containing materials and introduce new silica safety rules for mechanically cutting crystalline silica materials. A dry-cutting ban when cutting engineered stone with a power tool or another mechanical process has been in place, of course, since 14 July 2022 and there has been an uncontrolled dry-cutting ban when cutting crystalline silica materials other than engineered stone with a power tool or other mechanical processes from 2 November 2022.

We have also created an express requirement that, when working involves mechanical cutting of crystalline silica materials, a safe work method statement must be completed prior to undertaking the activity as it is classified as high-risk construction work, and this has been in place since 31 January 2023.

**MR PETTERSSON:** Minister, what consultation with stakeholders occurred prior to the introduction of these changes?

**MR GENTLEMAN:** We have been working closely with the construction industry unions as well and other stakeholders to develop reforms that protect trades people from the harmful effects of silica dust. The ACT has been one of the fastest moving and most comprehensive jurisdictions when it comes to addressing the risk that crystalline silica poses to our construction workers. Throughout this process it has

been made increasingly clear that both industry and worker representative groups understand how serious the issue is and how important it is that we get the response right.

The government's response to this issue has been developed in close consultation with the industry and unions, including the MBA and the CFMEU. Our directorate officials have worked closely with industry in the development of the government's silica action plan over many months. By way of an example, a tripartite subcommittee of the Work Health and Safety Council was established in February 2022 to consider silica safety arrangements and to recommend improvements. They were also discussed at length with the Work Health and Safety Council meeting of May last year. As a result of this collaboration and consultation, adjustments were made to the ACT's uncontrolled silica dust dry-cutting ban, which came into effect last year.

The government is continuing to work with industry and stakeholders in relation to the implementation and practical application of these changes.

**DR PATERSON:** Minister, what are the next steps that the government will take in order to eliminate the risk of silicosis?

**MR GENTLEMAN:** I thank Dr Paterson for the question. The ACT's independent Work Health and Safety Commissioner has advised that we cannot ever eliminate the risk of silicosis while these products contain such high concentrations of the respirable silica, so we need to continue working to ensure that every worker comes home safe and no-one is exposed to the unnecessary risk that silica dust causes.

My colleague Minister Steel represented me at the recent meeting of work health and safety ministers. At this meeting, there was unanimous support for Safe Work Australia to undertake the analysis and the consultation on the prohibition of the use of engineered stone. The ACT strongly supports the ministerial council's decision to progress the analysis and consultation as soon as possible. As a result, Safe Work Australia has commenced public consultation on the prohibition of the use of engineered stone in Australia, and the public consultation will be open until 11.59 pm on 2 April 2023.

A national licensing system will also be considered for dealing with products which are not subject to the ban or legacy products, like engineered stone that is already in place in homes and businesses around the country.

The ACT government will continue to work with our federal colleagues to progress this issue and ensure that a consistent approach is taken to protect the safety of all workers. I look forward to working with the incoming New South Wales state government to ensure that we achieve a consistent and sensible approach which ensures that trades people are protected on both sides of the New South Wales and ACT border.

### **Canberra Health Services—data security**

**MR COCKS:** My question is to the Minister for Mental Health. I refer to reports over the weekend that state that the Australian Nursing and Midwifery Federation claim

CHS management and the Minister for Mental Health may have been a party to a privacy breach. Reports claim, and I quote:

... CHS executives and even Mental Health Minister Emma Davidson would be in the same boat.

Minister, have you or your office ever received confidential, private information from any source, and, if so, what did you do with that information?

**MS DAVIDSON:** I thank Mr Cocks for the question. It is very important for people in the community to know that if they have concerns about the delivery of services in the ACT, they can follow that up both with the service and with their elected representatives in the Assembly. That includes me as the Minister for Mental Health. I regularly have contact from people who will write in to me or phone me to let me know what their experience has been or what the difficulties they are experiencing are. We then have to make sure we are very mindful of the privacy and confidentiality of that information they have shared with us.

It is also really important that, when we are having conversations with people about how they can address their concerns with CHS, we are able to pass that information on to CHS as well. There are processes that are followed to make sure that is done in the right way.

It is very important that all of us meet our obligations under the Privacy Act, that all of us are respectful of patients' privacy and confidentiality and that, when we are doing our jobs, we are doing them with the impact on people in mind who are often very vulnerable in our community. That might also include their families or carers, and it might also include talking to service providers who might raise issues with us as well.

There are a number of sources from which we might receive information, but there are very clear processes for how to make sure we handle that carefully. It is very important that all of us in this place are doing that.

**MR COCKS:** Minister, have you or your office ever received confidential information from an inappropriate source or a source that is not the patient, their family or the health service in accordance with strict controls?

**MS DAVIDSON:** I am not sure exactly what Mr Cocks means by an inappropriate source. If someone has concerns about the health and safety of a person in the community, it is appropriate for them to contact the relevant services that can help. Those services will respect the privacy and confidentiality of the person in question when they are making sure that people are able to access health or emergency services as are needed.

It is appropriate for people to be able to contact either a service, like a health service or an emergency service, or an elected representative, to let them know they have concerns about whether someone is able to receive the services they need. It is equally important that we then handle that information in the proper manner and respect patient privacy and do not release information about the patient to people who are not entitled to have that information.

**MS CASTLEY:** Minister, do you agree to be bound by the same rules and standards that apply to all other staff in CHS?

**MS DAVIDSON:** Thank you for the question. There are specific rules and regulations relating to healthcare staff, including their registration with AHPRA, that may not apply to people in other occupations; however, there are important Privacy Act obligations on all of us, and the fundamental principle of treating people with dignity and respect means that we should all be thinking about the impact of what we are doing, and who we may be sharing information with, at all times. There are processes we all need to follow, and I expect that all of us in this place are doing that.

### **Planning—entertainment precincts**

**MS CLAY:** My question is for the Minister for Planning and Land Management. Minister, the Parliamentary and Governing Agreement promises to address entertainment precincts in the new Territory Plan and MusicACT is calling for this urgently. The ACT Better Regulation Taskforce report covers entertainment precincts and these will need to be implemented under the new Territory Plan. Various ministers have committed to these often in the media and in conversations. Can you please outline for me how and when entertainment precincts will be incorporated into the new Territory Plan?

**MR GENTLEMAN:** I thank Ms Clay for her interest in these matters and for her letter sent on 14 March. I will endeavour to get a response to this letter within the usual timeframe but of course I am also happy to provide some information today. For a bit of history, I think we are all reminded of the night-time economy. It is essential to our plans for the future as an integral part of a thriving and diverse city. Those night-time activities can include attending restaurants, cafes, bars, nightclubs, etc and the night-life that accompanies this and the sounds are part of the city as we live in it. We see that across cities across the world as well. In October 2019 the government released the Entertainment Action Plan as a response to the 9 July 2019 Legislative Assembly motion which noted the importance of live music and the plan identified an action to trial a temporary special entertainment area in the city centre, monitoring its results. Ms Clay has noted the PAGA commitment as well, where we would amend the Territory Plan. We are working through that as we speak. The draft location and principles for the city centre entertainment precinct are included in the draft City Plan and draft Canberra City Centre Urban Design Framework that are going through planning at the moment. Public consultation on the draft City Plan and draft Canberra City Centre Urban Design Framework, or the UDF, closed earlier this month, on 14 March. We have received quite a number of submissions regarding the proposed entertainment precinct. These will be reviewed by the Environment, Planning and Sustainable Development Directorate to assist in finalising these documents and will inform the incorporation of the city centre entertainment precinct in the new Territory Plan.

**MS CLAY:** Minister, which minister is primarily responsible for delivering entertainment precincts?

**MR GENTLEMAN:** It is in the planning portfolio. We are going through the UDF now but of course we work across directorates and seek information from all ministers



with an interest in this portfolio and particularly if their portfolios interact with the PAGA commitment.

**MR BRADDOCK:** Minister, what further work needs to be undertaken to provide vibrant entertainment precincts that attract local activation in these areas?

**MR GENTLEMAN:** I thank Mr Braddock for the question. We will be working with the community as I have said on those consultations and the formula for these precincts. I will be working with Minister Cheyne as well on that plan. It will include, as I have mentioned, the city centre entertainment precinct. EPSDD does not intend to take any further immediate external consultation on that part of the work we are doing. We will continue to liaise closely with the City Plan and District Planning teams and the City Renewal Authority as well as CMTEDD and other directorates on the Better Regulation Taskforce looking into the night-time economy.

### **Dhulwa Mental Health Unit—safety**

**MR COCKS:** My question is, once again, to the Minister for Mental Health. Minister, it is almost a year since the events that triggered the inquiry into Dhulwa. That inquiry was expected to report in short order. The report did not come through until the end of last year. It had 25 recommendations that showed very serious issues being faced at the facility. It found poor standards of care delivery, dysfunction among staff, with unsupportive leadership, poorly managed change, fractured workforce relationships, workforce cliques and poor communication. Minister, given these findings and the urgency of the issue, why is it taking so long to address these problems?

**MS DAVIDSON:** Thank you for the question. As we all know, I announced that independent inquiry into the legislation, workplace governance and clinical frameworks at the Dhulwa Mental Health Unit on 2 May 2022. Ms Barbara Deegan was appointed chair of the inquiry and was supported by a panel including a forensic mental health expert and a work health and safety expert. They conducted quite a number of hearings. They conducted site visits, including to other forensic mental health facilities interstate, and they took submissions from quite a large number of stakeholders in the process. Quite a detailed inquiry was conducted.

The final report of the independent board of inquiry was presented to the Legislative Assembly on Thursday, 1 December 2022. That was the last sitting week of 2022. Then I came back for the first sitting week of 2023 to announce that the ACT government was accepting all 25 of the recommendations in that report and had already started the work to implement them.

In addition to that, we have also done the work to set up an independent oversight committee that will oversee the inquiry recommendations being implemented, to ensure that these recommendations are being implemented effectively. A number of education and training elements of those Dhulwa inquiry recommendations have been scheduled for start. We have already started the work. I look forward to seeing that work continuing and to hearing from the independent oversight committee about the progress that is being made to ensure that Dhulwa is able to be the place that we need it to be to provide good patient care and a safe workplace.

**MR COCKS:** Minister, have you set up the independent oversight committee because the relationship between you and Dhulwa has broken down so badly?

**MS DAVIDSON:** I have previously announced that the organisations invited to be represented on that independent oversight committee would include the ANMF, Carers ACT, the Mental Health Consumer Network and the Human Rights Commission and that it would be chaired by Ms Barbara Deegan and would continue to have the expertise of a forensic mental health expert to make sure that we understand what is being implemented.

It is very important that, when we do this work, we are able to work together cooperatively and collaboratively. That does require a certain level of trust. It is my expectation that the first meeting of that independent oversight committee will occur in April. I look forward to the first meeting and to understanding how we are going to work together well.

**MS CASTLEY:** Minister, why did it take so long to recognise and respond to these problems?

**MS DAVIDSON:** Thank you for the question. As I was saying earlier, it is quite a lot of work to set up an independent inquiry of this nature.

*Mr Hanson interjecting—*

**MS DAVIDSON:** We announced that we were doing that on 2 May 2022. That inquiry was independently chaired and undertook extensive hearings, site visits and assessing of submissions. The final report was presented to the Assembly before the end of that calendar year. That is actually quite a lot of work to undertake in a relatively short space of time.

*Mr Hanson interjecting—*

**MS DAVIDSON:** We then came back in the first sitting week of 2023 to announce that the ACT government was accepting all 25 of those recommendations and had already started the work to implement them.

*Mr Hanson interjecting—*

**MS DAVIDSON:** We made it apparent that we were going to provide an independent oversight committee to ensure that these recommendations are implemented properly. That is a thorough piece of work, with quite a high level of independence and involvement from key stakeholders.

*Mr Hanson interjecting—*

**MS DAVIDSON:** There was only a relatively short space of time between when the issues were raised with me and when we announced that we would have an independent inquiry.

**Mr Hanson:** You were dragged kicking and screaming. Be honest.

**Mr Davis:** Point of order.

**MADAM SPEAKER:** Minister, resume your seat. Point of order.

**Mr Davis:** Madam Speaker, there have been five occasions, in the less than two minutes that the minister has had to answer the question, that Mr Hanson has interjected. I can't hear the minister.

**MADAM SPEAKER:** I remind members that interjections are out of order. Minister, you have a few seconds left.

**MS DAVIDSON:** Thank you. To ensure that this work was able to address the full of range of— *(Time expired.)*

### **Canberra Hospital—expansion**

**DR PATERSON:** My question is to the Minister for Health. Minister, on Monday you attended the “topping out” ceremony for the critical services building. Can you update the Assembly on the significant progress that is being made in delivering the largest health infrastructure investment since self-government?

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Members! Mr Hanson! I'm back, Mr Hanson.

**MS STEPHEN-SMITH:** And we are very happy to have you back, Madam Speaker. I thank Dr Paterson for the question. Of course, it has been an extremely productive 12 months for the Canberra Hospital expansion, and there is still a lot to do.

It was great to attend the celebration yesterday of the topping out of the superstructure for the new critical services building. It was very clear, looking out from the helipad on level 9, that this is an incredible achievement, when you think that, just 12 months ago, we were standing on the ground level and announcing commencement of construction. It was great to celebrate this important project milestone for the largest health infrastructure project since self-government, which remains on track for opening in 2024.

It has been a huge effort. We have seen many tonnes of soil excavated to make way for the foundation piling, the new basement and new ambulance bays. Over the past six months, many in the southern parts of the ACT and those, of course, needing to attend the Canberra Hospital campus have seen the structure rising rapidly from the ground. Construction is now continuing on the building facade, the waterproofing, roofing structures and internal fit-out. The new link bridge and welcome hall across Hospital Road, connecting the new critical services building to building 2, are beginning to take shape, with a huge truss installed last month.

The Major Projects Canberra team have also continued a strong engagement program with consumers and user groups to ensure that the design across the critical services building remains consumer and user focused. It has been a real testament to all

involved that the Canberra Hospital expansion project has been so successfully delivered to date, and I look forward to welcoming the first patients next year.

**DR PATERSON:** Minister, the Canberra Hospital expansion project has been a substantial health infrastructure project. How is this project supporting ACT workers and consumer engagement?

**MS STEPHEN-SMITH:** I thank Dr Paterson for the supplementary. This month there are more than 410 workers on the Canberra Hospital expansion site, the critical services building, with the workforce expected to peak in the coming months at more than 600 workers onsite. Once completed, the hospital expansion will have created hundreds of valuable jobs, employment and training opportunities for Canberrans.

Multiplex, the ACT government's delivery partner, is committed to achieving targets to improve social inclusion, including Aboriginal and Torres Strait Islander participation in the Canberra Hospital expansion project, with the aim of achieving an expenditure commitment of 10 per cent of trade costs across employment, procurement, education and training, and trainees and apprentices.

The project team has continued its strong engagement with key stakeholders, as part of progressing the design for the new critical services building, including more than 400 workshops with clinical and user groups since 2019, continued engagement with the consumer reference group chaired by the Health Care Consumers Association, continued engagement with the United Ngunnawal Elders Council to further develop key elements of the critical services building, and engagement with the Aboriginal and Torres Strait Islander Elected Body and the CHS Aboriginal and Torres Strait Islander consumer reference group to provide updates on social procurement targets and to consult with the user group regarding the development of key elements of the new facility.

Last month I met with the consumer reference group to discuss the work they have done with the MPC team and to see how their engagement has transformed the critical services building. The Canberra Hospital expansion project team will be presenting their approach to consumer engagement to national audiences to set new standards for engaging consumers, as part of pushing for changes to the Australasian Health Facility Guidelines. They are really leading the way in enriching the consumer voice in health facility design across Australia, and it is something that we should all be very proud of.

**MS ORR:** Minister, what are the next key milestones for the Canberra Hospital expansion project and other works on the Canberra Hospital campus?

*Mr Hanson interjecting—*

**MS STEPHEN-SMITH:** I think I will choose Ms Orr's question here.

**MADAM SPEAKER:** A wise move.

**MS STEPHEN-SMITH:** I thank Ms Orr for the supplementary. As I said at the beginning, there is still work to do, and work to achieve a five-star green-star rating

will continue, to make the critical services building an all-electric facility, representing the first 100 per cent electric hospital in Australia, particularly for a building of its size and complexity. Work has already commenced to prepare for the completion and commissioning of the new building, to welcome patients in 2024.

The government's work to modernise our health infrastructure is not just limited to this project. Last week we opened the new early pregnancy unit, alongside the new antenatal and gynaecology ward at the Centenary Hospital for Women and Children. The early pregnancy unit was informed by deep consumer engagement. Many of you would have seen the powerful story of Karen Schlage and her children, Charlie and Sophia, who, sadly, did not survive but who really drove this important service. This project is part of the final stages of the Centenary hospital expansion.

In addition, designs were recently unveiled for the new cancer research centre, which will sit alongside a wellbeing hub to deliver a truly comprehensive cancer centre. We are expanding and upgrading infrastructure to support critical services such as pharmacy, pathology and medical imaging. Across the ACT we are also investing in expanding the community-based imaging services at Weston Creek, and in the north planning is well underway to deliver a new north side hospital.

We are delivering on Labor's election commitments, with significant investment in health infrastructure across the ACT, and this is all part of the government's broader work to build for the future of Canberra.

### **Dhulwa Mental Health Unit—safety**

**MR COCKS:** My question is to the Minister for Mental Health. Minister, you have tabled documents regarding the independent board to oversee implementation of the Dhulwa report, as you have referred to already today. As I previously noted, that report found “poor standards of care delivery, dysfunction among staff, unsupportive leadership, poorly managed change, fractured workforce relationships, workforce cliques and poor communication”—strangely and eerily similar to some of the findings of the inquiry into your office.

Minister, how much money has the government had to spend on consultants, independent inquiries and independent boards for your portfolios and your office since you became minister?

**MS DAVIDSON:** That is a question that I would need to take on notice. The independent inquiry into the legislation, workplace governance and clinical frameworks at the Dhulwa Mental Health Unit was under the Chief Minister's area. But I can take the question on notice to come back with the amount that was spent on that inquiry.

**MR COCKS:** Minister, why have people in the ACT had to pay for consultants, inquiries and boards on matters you should be capable of handling yourself?

**MS DAVIDSON:** If I recall correctly, in the period from March to May 2022, the Canberra Liberals were very keen to see an inquiry into what was happening at Dhulwa. They were as concerned as everyone is to make sure that we are providing good quality mental health care to patients and a safe workplace for staff.

That is why on 2 May I announced an independent inquiry into Dhulwa that included a secretariat that provided forensic mental health expertise and work, health and safety expertise and a broad terms of reference that enabled Ms Barbara Deegan, as the independent chair, to look at a range of areas, including the legislative governance, the clinical framework, what is best practice and what training and support might be required.

It takes some time to do that, but we still managed to have a report tabled in this Assembly by the end of the calendar year. Also, by the first sitting week back in this calendar year, we were able to come back and say that we had accepted all 25 of the recommendations and had commenced work to implement them and, on top of that, that we have an independent oversight committee that will oversee the implementation of all of the recommendations.

This is quite a thorough piece of work and reflects the level of community concern about patient care as well as staff safety.

**MS CASTLEY:** How many MBS funded psychological consultations could the cost of these reviews cover?

**MS DAVIDSON:** That sounds like an excellent question for the commonwealth Minister for Health. The MBS is actually a commonwealth program. Here in the ACT we have a wide range of mental health programs for people who perhaps do not even have eligibility for MBS services, including counselling at the ACT Women's Health Service and some of our youth mental health programs delivered by organisations like CatholicCare. We are very committed to making sure that we have a wide range of services available to people.

I know that the difficulties in understanding how funding arrangements work between commonwealth and state can be quite tricky and very complex, but it is very well worth reading up on and understanding who is funding what, so that you can make sure that you are asking the relevant minister.

### **Emergency services—Gungahlin**

**MR BRADDOCK:** My question is for the Minister for Police and Emergency Services. Minister, can you please provide an update on the Gungahlin Joint Emergency Services Centre project?

**MR GENTLEMAN:** I thank Mr Braddock for his question. The government of course has committed to a long-term plan to support ACT Policing to take possession of the whole JESC building to increase operational capacity. In the 2021-22 budget, the government announced it was investing more than \$8.2 million to improve accommodation for our police and emergency services in Gungahlin. The project will be delivered in three phases.

Phase 1 involves the relocation of the ACT Rural Fire Service and ACT State Emergency Service units from the JESC to another site in the Mitchell precinct. The heads of agreement has been signed for the Mitchell site and comments and

feedback from volunteer working groups have been received and worked through as well. Work is currently being progressed to align the scope of the works to deliver the fit-for-purpose facility there.

Phase 2 involves the refurbishment of the Gungahlin JESC to increase the operational footprint of ACT Policing within the JESC site. The user requirements are still being developed to help inform this design process.

Phase 3 is confirmation of an agreed site for the new ACT Ambulance Service and ACT Fire and Rescue facility in the Gungahlin region, and commencement of due diligence and concept design work to relocate these services is occurring. A procurement process is underway to engage a consultant to undertake more detailed investigations and proof of concept designs for that facility. It is also subject to an estate development plan, which is being managed through EPSDD as well. Our future business case will be brought forward for the total occupation of the Gungahlin JESC site by ACT Policing following the completion of the Gungahlin facility for ACTAS and ACT Fire and Rescue.

**MR BRADDOCK:** Minister, when will phase 2 be completed?

**MR GENTLEMAN:** As I mentioned, it involves refurbishment of the JESC site for Policing. There is a little bit of work to be continued there, with consultation with police on their needs after Fire and Rescue and the RFS move out.

**MR DAVIS:** Minister, where exactly will the new ambulance service be going?

**MR GENTLEMAN:** It is still subject to future government decisions. It will be in the Gungahlin region. As I said, we are working with EPSDD on that particular site.

### **Mental health—Mental Health Advisory Council**

**MR COCKS:** My question is to the Minister for Mental Health. I have been advised that the cabinet met on 28 February to discuss the appointments to the government's mental health advisory committee. Have these positions been decided on and filled?

**MS DAVIDSON:** Thank you for the question. I will take that on notice and provide you with the details.

**MR COCKS:** You may have to take this one on notice as well: have all applicants been told of the outcome of their applications?

**MS DAVIDSON:** I will take that on notice. As to whether or not letters have been sent yet, I will have to take that on notice.

**MS CASTLEY:** You may also need to take this one on notice. I am wondering why some applicants are still waiting to hear about their results, from the information that we have, and to allow for full transparency.

**MS DAVIDSON:** It is impossible for me to answer a question about why, when I do not yet have the dates. I will take that on notice.

**Canberra Health Services—data security**

**MR COCKS:** My question is to the Minister for Mental Health. Minister, despite refusing to answer questions about staff in this Assembly, it was revealed in the media that one staff member of CHS had been fired and two others stood down. Minister you have also said that you could not make any comments because investigations were still ongoing. Minister, if investigations were still ongoing, why was the staff member sacked?

**MS DAVIDSON:** This is quite an interesting question I have from Mr Cocks here. He is asking why someone's employment was terminated when he knows full well that that is actually the subject of the investigation. We have talked about this a number of times. It is really important that the Integrity Commission and the police are able to do their work effectively without political interference and without running political commentary on what they are doing. It is really important that those investigations are able to be continued. This is about making sure we are doing justice to the people whose privacy is so important in this. As I was saying this morning, we are talking about people who are particularly at risk in our community. We are talking about a community that needs to know that its community-delivered mental health services and its inpatient mental health services are being delivered by skilled professionals in accordance with all their legal obligations regarding patient privacy and confidentiality. For that reason I cannot talk about the details of specific incidents. It is very important that Mr Cocks understands and respects this.

**MR COCKS:** Minister, if the case of that staff member has been finalised, why will you not comment on that case?

**MS DAVIDSON:** Thank you for the question. As I have said before and as has also been said by others in the public domain, one staff member has been terminated and two staff members have been stood down in relation to the privacy breach. No further comment can be made at this time because there are investigations ongoing. It is very important that the Canberra Liberals here understand and respect police investigation processes so that the people whose privacy is so important here are able to see justice.

**MS CASTLEY:** Minister, what responsibility will you take for the ongoing failures in the mental health system?

**MS DAVIDSON:** Thank you for the question. I think it is really important for people to know that there are many people in our community who are using a diverse range of mental health services, not just inpatient services but also the range of services delivered in the community, closer to home and at an early stage in people's illness before things become acute or become a crisis. We have seen huge success with some new initiatives in recent years, including the PACER service which is a collaboration between mental health clinicians, paramedics and police. We have seen the introduction of the first Safe Haven in Belconnen, which is supporting people to be able to access support from peer mental health workers, a growing area within our mental health workforce, at times when they otherwise might find it difficult to be able to go somewhere in person and be supported.



**Mr Hanson:** Madam Speaker, I put a point of order of relevance. We have given her a minute. The question is what responsibility will she take for the ongoing failures. These have been well litigated. They are the subject of this independent review. Does she take any responsibility for that? It is a very simple question.

**MADAM SPEAKER:** Mr Hanson. There is no point of order. I cannot direct the minister how to answer but she is in the scope of the question.

**MS DAVIDSON:** Going to Ms Castley's assertion about mental health services, plural, in Canberra, I think it is really important for this Assembly to have an understanding of the diverse range of mental health services we have in the ACT and the success of a number of initiatives that have been introduced in recent years. As I was saying, the Safe Haven in Belconnen has been—

*Opposition members interjecting—*

**Mr Davis:** Madam Speaker, point of order. I am loathe to take a point of order Madam Speaker as I love an interjection as much as the next person but I have been keeping tally: there has not been an occasion when Minister Davidson has come to her feet today where she has not been spoken over by Mr Hanson on at least two occasions per question.

**MADAM SPEAKER:** Thank you for bringing it to my attention Mr Davis. Mr Hanson, I think you have heard the complaint. Oh, look—the time has expired.

### **Weston Creek—infrastructure**

**MS ORR:** My question is to the Minister for Transport and City Services. Minister, can you please update the Assembly on the progress of suburban infrastructure upgrades at the Weston group centre?

**MR STEEL:** I thank Ms Orr for her question. The ACT government is building the infrastructure that our growing city needs. This includes the delivery of upgrades as part of our biggest ever suburban infrastructure program. I am very pleased to advise the Assembly that we recently released the construction tenders for upgrades to the Weston group centre. I would like to thank the local businesses and community groups who provided valuable feedback on the design during targeted stakeholder engagement last year to help revitalise Weston Creek's main street, Brierly Street.

Key themes heard during the community consultation were trees and canopy cover, landscaping, improved pedestrian safety and better amenities, including lighting. I look forward to updating the Assembly on the construction of these upgrades, which is expected to kick off around the middle of this year.

**MS ORR:** Minister, what will be the features of the upgrades at Cooleman Court?

**MR STEEL:** Cooleman Court is a busy and vibrant centre for a range of shops and services. The centre was developed in the 1970s, with the architecture reflecting this period. Brierly Street, in particular, is a flourishing cafe and restaurant strip. I am really looking forward to seeing improvements made to enhance this environment for

the community in Weston Creek and beyond, as it gets many visitors from Molonglo in particular at the moment.

As part of the upgrades, we will be providing an enhanced streetscape for people, with new landscaping and new trees. A section of Brierly Street is very wide, and we will be utilising that space to extend the verge to provide more space for outdoor dining for the cafes, as well as providing extra canopy cover.

We will be delivering improved amenities like new seating, bike racks and rubbish bins, and improved pedestrian safety, with new pedestrian crossings and lighting improvements. Parking will replace the existing bus stop on Brierly Street, with the bus services being moved around the corner to Parkinson Street. These are just some examples of how the government's suburban upgrades to shopping hubs are providing more inviting spaces for the community and businesses to thrive.

**MR PETTERSSON:** Minister, I understand that there are suburban infrastructure upgrades being progressed at Kippax. Can you please provide us with an update?

**MR STEEL:** I thank Mr Pettersson for his supplementary question. The government will be delivering improvements to make Kippax, the Holt group centre, a better place for businesses and residents. Construction will commence in May to deliver upgrades along the section of Hardwick Crescent between Luke Street and the service station.

The preliminary design for improvements along Hardwick Crescent was developed in response to the Kippax group centre master plan from 2019, which involved community input. Following extensive site investigations and more recent engagement with local businesses and community groups, we are getting on with the upgrades. As part of those, we will be providing wider, improved shopfront pavements, which will provide more space for outdoor cafes, public outdoor furniture and accessibility along the shopfronts.

I was out there with the Deputy Chief Minister recently and I noted that there is a lot of excitement amongst the shop owners on Hardwick Crescent about these upgrades, which will deliver an enhanced streetscape, new plantings, landscaping and new amenities, including bike racks and rubbish bins. The upgrades will improve safety for pedestrians, with new pedestrian crossings and lighting improvements, with direct pedestrian links between the currently separated commercial centres on either side of the large car parks.

**Mr Barr:** Madam Speaker, further questions can be placed on the notice paper.

### **Supplementary answers to questions without notice Canberra Health Services—data security**

**MS STEPHEN-SMITH:** I have been advised in relation to the question that I was asked earlier regarding the senior nurse identified—the issue with the senior nurse and the disclosure of information—Canberra Health Services has let me know that I can advise that the senior nurse identified the disclosure and voluntarily admitted to a mistake to their supervisor. The breach did involve the Australian Nursing and Midwifery Federation, and CHS has been very clear that it treats all team members

the same, whether they are senior or junior, and the team member was stood down pending investigation.

In relation to other questions I was asked, CHS has also been able to advise that, while they do not currently have a single system that holds all information related to breaches of privacy and therefore cannot say with certainty that all information has been captured in the short time frame that they have had, they have been able to identify, in relation to other breaches of access to personal health information which have proceeded to termination, a misconduct investigation or referral to an external body for eight individual matters, but none of those matters are of a similar nature to the breach last week that is currently the subject of media attention, and has been today, which CHS has said was deliberate and sustained over a number of years.

**Mr Hanson:** On the minister's statement, she just clarified that a senior nurse who is not in Dhulwa was stood down for inappropriately providing information to the union but last week said in this place there is absolutely no evidence—

**Mr Rattenbury:** Madam Speaker, on a point of order: there is not a space for Mr Hanson to debate the minister's response in the standing orders.

**Mr Hanson:** It is on a point of order. I believe she has misled the Assembly, Madam Speaker.

**Mr Rattenbury:** You have to bring that as a substantive motion.

**MADAM SPEAKER:** Please, members.

**MS STEPHEN-SMITH:** I would encourage you to review the *Hansard* from last week, Mr Hanson, because your question was about the specific type of incident.

**MADAM SPEAKER:** Members, please.

**Mr Hanson:** Leaking information to the union outside of Dhulwa?

**MADAM SPEAKER:** Members—enough. There is no point of order. If you want to raise a matter, I suggest you consider it and bring it back through a motion.

**Mr Hanson:** I will. Thanks, Madam Speaker.

**MADAM SPEAKER:** Do you have further information, Minister?

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. I shall provide clarity in case Mr Hanson, when he reviews the *Hansard*, considers that he is of the opinion that I misled the Assembly last week. I can state very clearly that I had certainly interpreted the question and my comments were in relation to the type of activity that CHS had identified—

**Mr Hanson:** Madam Speaker, on a point of order—

**MADAM SPEAKER:** Members, please.

**Mr Hanson:** You just sat me down because I am not allowed to debate this issue and you have allowed the minister to stand up and debate.

**MADAM SPEAKER:** Members, please resume your seats. If you have a reference—I think it is standing order 47 or 48—on a personal reflection, you can choose that. If not, we will just stick to answering questions and providing information that comes from question time. Do you have further—

**MS STEPHEN-SMITH:** Madam Speaker, may I respond to a personal reflection under the standing order you just mentioned?

**MADAM SPEAKER:** Ms Stephen-Smith.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. I do believe that Mr Hanson is misrepresenting the answer that I gave in this place last week. The conversation last week was specifically about an incident where a small number of staff had been identified as providing information to an industrial partner which was deliberate and sustained over a number of years. It may be that I misinterpreted the question I was asked. I understood that it related to that specific type of incident, and there is no evidence, and there remains no evidence, that this type of activity has been occurring elsewhere. That is what I was referring to. I stand by that. If Mr Hanson has any evidence that the *Hansard* shows that I said something different, he can bring it to this place.

**MADAM SPEAKER:** We will continue with matters arising from question time.

**Mr Hanson:** So I just have to cop it, have I—

**MADAM SPEAKER:** No, Mr Hanson. Mr Hanson, if you have a concern about answers that were raised here, then there is an opportunity for you to bring it, but you bring it in a motion. Matters arising from question time usually refer to questions taken on notice or additional information provided. You did enter into a debate. The minister also started to enter into a debate. I did provide guidance. It is actually under standing order 46. We will leave the matter there unless you choose to do otherwise, Mr Hanson, but with that we will move on, I believe.

## Papers

**Madam Speaker** presented the following papers:

Government Agencies (Campaign Advertising) Act, pursuant to section 20—Independent Reviewer—Report for the period 1 July to 31 December 2022, dated 22 March 2023, prepared by Bill Campbell AO KC.

Standing order 191—Amendments—Residential Tenancies Legislation Amendment Bill 2022, dated 23 March 2023.

**Mr Gentleman** presented the following papers:

Court Procedures Act—Court Procedures Amendment Rules 2022 (No 3)—Subordinate Law SL2022-19 (LR, 19 December 2022)—Revised Explanatory Statement.

Economy and Gender and Economic Equality—Standing Committee—Report 6—*Inquiry into Long Service Leave (Portable Schemes) Amendment Bill 2022*—Government response.

Planning and Development Act, pursuant to subsection 79(1)—Variations to the Territory Plan together with associated documents—No 382—Approval—Phillip Section 79 part Block 4—Zone Change and Amendments to Phillip Precinct Map and Code, dated 24 March 2023.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Domestic Animals Act—Domestic Animals (Temporary Variation of Prohibited Areas—Glebe Park) Declaration 2023—Disallowable Instrument DI2023-15 (LR, 23 February 2023).

Education Act—

Education (Registration Standards Advisory Board) Appointment 2023 (No 1)—Disallowable Instrument DI2023-21 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 2)—Disallowable Instrument DI2023-22 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 3)—Disallowable Instrument DI2023-23 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 4)—Disallowable Instrument DI2023-24 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 5)—Disallowable Instrument DI2023-25 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 6)—Disallowable Instrument DI2023-26 (LR, 14 March 2023).

Education (Registration Standards Advisory Board) Appointment 2023 (No 7)—Disallowable Instrument DI2023-27 (LR, 14 March 2023).

Medicines, Poisons and Therapeutic Goods Regulation 2008—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2022 (No 1)—Disallowable Instrument DI2023-20 (LR, 2 March 2023).

Public Health Act—Public Health (COVID-19 Management) Declaration and Extension Revocation 2023—Disallowable Instrument DI2023-17 (LR, 27 February 2023).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Taxi) Declaration 2023 (No 1)—Disallowable Instrument DI2023-29 (LR, 20 March 2023).

Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 2)—Disallowable Instrument DI2023-19 (LR, 6 March 2023).

Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 3)—Disallowable Instrument DI2023-28 (LR, 17 March 2023).

Road Transport (General) Concession Determination 2023 (No 1)—Disallowable Instrument DI2023-18 (LR, 6 March 2023).

Road Transport (General) Vehicle Registration and Related Fees Determination 2023 (No 1)—Disallowable Instrument DI2023-16 (LR, 6 March 2023).

Utilities Act—Utilities (ACT Retail Electricity—Transparency and Comparability Code) Variation 2023—Disallowable Instrument DI2023-14 (LR, 16 February 2023).

## **Modern Slavery Legislation Amendment Bill 2023**

**Ms Clay**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MS CLAY** (Ginninderra) (3.13): I move:

That this bill be agreed to in principle.

I rise today to table the bill in my name, being the Modern Slavery Legislation Amendment Bill 2023. This bill is an important legislative step to combat modern slavery in the ACT.

Slavery is not merely a historical problem. Estimates are that more people live in slavery today than at any other time in human history. The most recent estimate puts this number at 50 million globally. It is a horrifying figure in our society. This is not simply an issue that happens somewhere else. Modern slavery is part of many of the goods we buy and the services we use every day. Thousands in Australia are personally affected and living in conditions of modern slavery.

Slavery today looks different than it did in the past. It takes many forms: forced marriage, sexual exploitation, forced labour, abuse of visa conditions, human and child trafficking. Slavery exists here in Australia and overseas. The majority of victims are women and children. It exists across many industries, including: hospitality, agriculture, cleaning, construction, and the textile, clothing and footwear industries. The most vulnerable people are those who are most at risk. People with limited residency and working rights, those who may not speak English or have limited English, those who have difficulty accessing support or enforcing their rights. They are all vulnerable to this.

As with all things, modern slavery falls on a spectrum: from particularly bad cases of worker exploitation, right up to the worst of the worst abuses of human rights. Slavery exists here in the ACT. We have seen high profile cases reported in the media in recent years. I have spoken to many people working in the field who know and help victim survivors, and they are working hard to stamp it out here. We would be foolish to imagine that this is someone else's problem.

I came into my role in politics with some understanding of ethical consumption but very little knowledge of how embedded modern slavery is in our lives. I have learned an enormous amount over the past year working on this bill. There are so many

passionate advocates who have assisted me. Walk Free's 2021 report gives global estimates of modern slavery and forced marriage. They say this affects almost one in every 150 people in the world and that the problem is getting worse. Adjunct Research Fellow Toni Hassan wrote an excellent piece in yesterday's *Canberra Times* about the state of legislation around the country and why we needed more action at state and territory level. She referenced the eye-opening *ABC Foreign Correspondent* report on crime syndicates in Cambodia that detain cyber scammers in complexes surrounded by barbed wire, forcing the inmates to work 15-hour days and extorting money from people all around the world.

In developing this bill, I have met with stakeholders from a wide range of organisations. This includes academics from UNSW and the ANU, and representatives from organisations, including: Anti-Slavery Australia, Be Slavery Free, Walk Free, Ethical Clothing Australia, The Freedom Hub, the Human Rights Law Centre and many more. Churches and religious groups are particularly engaged in this issue. Many of them have been doing that long, patient work of year-on-year advocacy and detailed commentary on committee inquiries and bills to bring the issue forward for legislators. I particularly want to mention the Salvation Army and ACRATH—the Australian Catholic Religious Against Trafficking in Humans.

The work to eradicate modern slavery brings together those from many different walks of life. The Anglican Bishop of Canberra and Goulburn, the Right Reverend Dr Mark Short, told me how his diocese has been working with Be Slavery Free, an Australian coalition campaigning against modern slavery, human trafficking and child labour. He has said they will be delighted if this legislation is passed in the ACT, because it will make us the second Australian jurisdiction to have a modern slavery act. It would be:

... a significant step forward in our common commitment to protecting human dignity.

I also want to honour the voices of victim survivors. We do not often hear directly from victim survivors of modern slavery. Those who are current or recent victim survivors may not be able to safely speak up. Those who are further along in their journey have a lot to deal with, and they may not wish to speak up. It takes an incredible toll to be the public face of an issue that has destroyed your life and an issue with deep roots in our society. There is limited support and enormous barriers for those taking on that role.

My office is working with one organisation that does provide support and seeks to bring the voices of victim survivors directly into the conversation. They are called the Freedom Hub. They do this in a safe and sensitive manner whilst providing practical help to victim survivors and assisting them to put good lives together. For anyone wanting to make direct reparations or to include the voices of victim survivors directly, I would encourage you to reach out to the Freedom Hub.

How many people are directly affected directly here? In 2021 Anti-Slavery Australia helped over 400 people who had been trafficked to or from Australia or had faced modern slavery while in Australia, including forced marriage, servitude and forced labour. But we know those numbers are a vast underestimate of the scale of the problem.

It is also part of our supply chains. It is part of the goods and services that we use every day. We can and should take responsibility for the costs that others bear. Whether our goods and services were generated here in Australia or overseas, if someone suffered conditions of slavery to create them, we are at least partially responsible.

Canberrans care about the wellbeing of those in our community. We care about where our products come from, where they end up and the welfare of those involved in making them. That is why my bill looks at the procurement that relies on slavery happening elsewhere, as well as slavery happening within our borders.

The good news is there are already some laws in place in the ACT and around Australia. In 2018, New South Wales was a leader among Australian states and territories in implementing a Modern Slavery Act. This was followed soon after by the commonwealth Modern Slavery Act. It was a great start, but there have been delays and challenges to implementation.

Many governments are now looking at the impact of that response and how it can be improved. Working to abolish modern slavery is an evolving and complex challenge, and it will need a response that changes over time. This bill as an important step, but I expect that our response will grow as we learn more about this and as our ACT government and Canberra community gain further understanding.

No jurisdiction can do this alone. It is essential that every jurisdiction does what it can. I am pleased that as part of the 10th Assembly Parliamentary and Governing Agreement, the ACT Greens and ACT Labor have a shared commitment to ensuring ACT legislation can identify and effectively respond to modern slavery.

I would like to thank Attorney-General Rattenbury, Minister Cheyne, Minister Steel and Minister Gentlemen for their enthusiastic and thoughtful support for this bill to date. I look forward to continuing this work with my Labor colleagues to get the details right.

I am also really looking forward to working collaboratively with those in opposition. This is not a political issue; it is a human one. We have begun a really constructive conversation with the shadow attorney-general, and I look forward to the ongoing contribution from the Canberra Liberals as this bill develops.

The ACT government has already done some great work in this space. We do not need to reproduce the mechanics of an independent commissioner. We already have independent commissioners who are doing excellent work. Nor do we need to reproduce an entire body of criminal law which already deals with many aspects of modern slavery.

This bill seeks to expand on what we have and ensure that our legislation applies to government procurement. My bill has three main elements. The first element places new obligations for reporting on the ACT government. ACT government directorates and territory entities will need to submit modern slavery statements to the commonwealth. This is already an obligation for private companies with a turnover of



more than \$100 million, for the commonwealth government and for New South Wales state-owned corporations. It is a reasonable extension for the ACT government agencies to comply too.

The second element creates an anti-slavery commissioner in the ACT Human Rights Commission. The commissioner's functions will include: advocating to combat modern slavery; protecting and promoting the rights of victim survivors; and monitoring and reporting on the risks of modern slavery happening directly here in the ACT and in our government supply chains. The anti-slavery commissioner will also be able to review how well a government and legislative response is addressing modern slavery and make recommendations to improve it. This is really important for any system, particularly for a system that is addressing such a complex problem.

I heard over and over again from advocates, and from those working in the field, that it is really important we have an independent commissioner doing this work. I am really pleased we already such great structures that we can slot into to have a commissioner doing that.

The third element in my bill applies to businesses who want to tender to the ACT government or to a territory entity in a procurement. These businesses will have new requirements to address modern slavery. A business with turnover above \$100 million that is already a reporting entity under the commonwealth Modern Slavery Act must comply with their existing commonwealth obligations. If they do not do that, they cannot tender to ACT government. For all other businesses that would like to tender to the ACT government on a procurement above the \$25,000 threshold, they will need to provide information about the risk of modern slavery happening in their supply chains for goods and services. They will need to describe how they will mitigate these risks; that will be part of the tender. This will ensure that for all of these tenders, modern slavery risks are front of mind and issues that the ACT government and our suppliers will consider.

This bill sets up the ACT to be a leader among Australian states and territories in the fight against modern slavery. It will make us the second state or territory to legislate an anti-slavery commissioner. We have had the benefit of learning from the experience in New South Wales on this. Our commissioner will play a vital role in pulling together an ACT-wide response on this issue. Their independence from government will allow them to adequately scrutinise the response, and the bill will send a really important message that the ACT is taking this issue seriously. It will also lead to practical change and immediate change in our supply chains.

I have spoken to a lot of stakeholders in the development of this bill, but what we need now is a broader community consultation and a discussion with Canberrans and businesses. I am really looking forward to this detailed engagement—hopefully through a tri-partisan, apolitical Assembly committee process.

I would like to thank everyone who has worked with me on this bill so far and my staff who have put it together so well. This conversation is only just starting here in the ACT. I am looking forward to the fantastic contributions and the discussions that we will be having over the coming months to get these details right.

I would like to end with a few words about chocolate. Who would not want to finish with a few words about chocolate! I was with Fuzz Kitto and Carolyn Kitto earlier today from Be Slavery Free. They joined me outside the Assembly because they have launched Be Slavery Free's Chocolate Scorecard, which they have launched ahead of Easter.

It is a scorecard that rates different chocolate brands, and different manufacturers and retailers. It rates them against a whole lot of people and planet criteria, including exposure to slavery conditions. I want to quote Carolyn directly here. She really puts it best:

There are two things that are not political. The first is chocolate and today we have launched the 4th edition of our Chocolate Scorecard assessing companies who together produce and sell 95 per cent of the world's chocolate. We eat chocolate for pleasure and indulgence, but there are other ingredients like child labour, extreme poverty and environmental destruction. We ask consumers to preference chocolate without these ingredients with the help of the Chocolate Scorecard.

The second is ending modern slavery—the world's fastest growing illegal crime now impacting 50 million people including in Australia and in the goods we buy. We congratulate ... the tabling of the ACT Modern Slavery Bill today and we look forward to ongoing engagement with all political parties, business, civil society and academics to end modern slavery in the territory.

Be Slavery Free very kindly brought in some Haigh's chocolate for every MLA and for all the staff. We have managed to distribute that on our floor to our opposition colleagues and our crossbench colleagues, and we will be making our way upstairs to the ministers later this afternoon.

I would encourage you to share some chocolate, and post about the Be Slavery Free's Chocolate Scorecard if you are motivated by the issues. On that note, I commend my bill to the Assembly.

Debate (on motion by **Mr Steel**) adjourned to the next sitting.

## **Public Accounts—Standing Committee Reference**

**MS CLAY** (Ginninderra) (3.28), by leave: I move:

That, notwithstanding the provisions of standing order 174 and the resolution of the Assembly of 2 December 2020, as amended, that established general purpose standing committees, the Modern Slavery Legislation Amendment Bill 2023 be referred to the Standing Committee on Public Accounts to decide whether or not to undertake an inquiry.

I would simply like to refer this bill to the committee. We are really looking forward to a very engaged discussion with community and business. We have decided that this committee is probably the best placed to have a look at this bill. I would encourage the committee to take a good look at this bill, if they are able to.

Question resolved in the affirmative.

## Hospitals—endoscopies and colonoscopies

MS CASTLEY (Yerrabi) (3.30): I move:

That this Assembly:

(1) notes:

- (a) data from 31 October 2022 shows that there are 7,373 patients awaiting procedure bookings for endoscopies;
- (b) the average wait time for a colonoscopy and endoscopy is 399 days;
- (c) across all triage categories:
  - (i) patients who are classified as urgent, who should be seen in 14 days, are waiting an average of 47 days;
  - (ii) patients who are classified as category one patients, who should be seen within 30 days, are waiting an average of 283 days;
  - (iii) patients who are classified as category two patients, who should be seen within 90 days, are waiting an average of 471 days; and
  - (iv) patients who are classified as category three patients, who should be seen within 365 days, are waiting an average of 449 days;

(2) further notes:

- (a) ACT Labor committed in September 2020 to upgrade and expand existing endoscopy facilities, to deliver an additional 5,000 procedures;
- (b) scoping and planning for this upgrade and expansion was to commence in 2020-21 with refurbishment of the rooms to begin in 2021-22;
- (c) the latest Parliamentary and Governing Agreement and Election Commitment Report of 7 June 2022 labelled this work as “not yet commenced”;
- (d) a contractor was selected to examine the feasibility of these upgrades in May 2022, but construction had not commenced as of 6 March 2023;
- (e) in 2021, an ACT gastroenterologist was quoted saying the “ACT Government had legitimate solutions, but it tossed them aside in favour of leaving people languishing”; and
- (f) one of the suggested solutions was to revive an agreement with Calvary Private and contract ACT Endoscopy and Brindabella Endoscopy to cut down waiting lists; and

(3) calls on the ACT Government to:

- (a) provide an update on their election commitment and say whether the promised refurbishment of rooms is on track to be completed by 30 June 2023; and
- (b) immediately contract private endoscopy services to reduce the wait list for public endoscopy procedures.

On October 15 2020, ACT Labor released a statement with the title, “Labor’s plan for better healthcare—where and when Canberrans need it.” The statement goes on to say:

Canberrans rely on our health system to be there when they need it, and ACT Labor is committed to investing in a system that delivers better healthcare closer to home.

A couple of weeks before this, the Chief Minister requested a costing for an election commitment to upgrade and expand the existing endoscopy facilities at the Canberra Hospital.

The proposal was meant to deliver an additional 5,000 endoscopy procedures, meeting the growing need for diagnosis and detection of many conditions—including some cancers. ACT Labor's plan was to commence scoping and planning for the project in 2020-2021, with the refurbishment of existing rooms to commence in 2021-22. A contractor was selected to examine the feasibility of these upgrades in May 2022, a later date than what was in their election commitment. To the best of my knowledge, construction has not started on these facilities.

As of 31 October 2022, more than 6,000 endoscopy and colonoscopy patients were overdue and waiting an average of 399 days across all triage categories. Remember that Labor's plan for better health care is "where and when Canberrans need it"! That seems to be in stark contradiction to these October figures. More than 6,000 colonoscopy and endoscopy patients—Canberrans needing treatment—are not receiving care when they need it. Urgent patients are being seen within an average wait time of 47 days, when they should be seen in 14. Category 1 patients are being seen within 283 days; on average they should be seen within 30 days. Category 2 patients are being seen within 471 days on average, when they should be seen within 90 days. Category 3 patients are being seen within 449 days on average, when they should be seen in 365 days.

These figures are abysmal. What makes it even worse is that in a recent ABC article, gastroenterologists said that they were calling for more facilities back in 2009—in 2009! They now believe that the facilities will have to double to keep up with demand. What did the government do with that information back in 2009? Well, they took 11 years before making an expansion an election commitment. Once they made it an election commitment, they still did not complete these upgrades, and this service is not keeping up with demand.

There is one thing that this government is very good at, and that is promising everything and delivering something completely different. The recent release of the Chief Minister's capital works program report makes for more terrible reading if you work in or require services at the Canberra Hospital. My office—and I am sure, the minister's office—receives countless emails about the unacceptable quality of Canberra Hospital facilities and equipment. Yet, under the minister's watch only \$887,000 has been spent on improving Canberra's health infrastructure out of almost \$22 million allocated. The health minister thinks it is appropriate to spend the same amount of money on a rebrand of Canberra Health Services—a marketing and political stunt as more important than improving Canberra's health infrastructure.

I do not think I could point to a better example of how little this government values improving our health system. This money was meant to deliver new clinical

equipment and building services at the Canberra Hospital. This is only four per cent of what was budgeted. The Chief Minister allocates the money, and the health minister trumpets the fact that it is a record health budget and then does not deliver for the hospital, staff, families, friends and patients, who desperately need access to these public services.

It will not surprise any member that the upgrade and expansion of endoscopy facilities is no different. FOI documents show that work has not yet commenced and the expected completion date for the expansion to the unit is not until 2026. The minister will not deliver it in this term of government as promised. The point is laid bare in a November 2022 *Canberra Times* article with the title “ACT Labor election promise to increase endoscopy procedures by 5,000 by 2023 unlikely to be reached”. If you want an example of how the minister treats integrity and transparency in government, then listen to these lines from the article:

The government did not directly answer whether the election promise for the \$16 million commitment would be kept. *The Canberra Times* asked Health Minister Rachel Stephen-Smith's office about the election commitment on Tuesday and a Canberra Health Services spokeswoman provided a response on Friday.

It is embarrassing that this minister passes the buck of accountability to her directorate. This motion gives her a chance to update the Assembly and Canberrans on her party's election commitment.

Even if the minister shocked the ACT by delivering on this election commitment, there is still no guarantee that she would be able to staff it. In a meeting I recently had at the University of Canberra, I was told that we were down almost 120 nurses starting at the UC this year—from their target. We have still had no word from the minister if ratios are finally compliant each shift, or if there are in fact enough nurses to cover the shifts that are necessary.

The Chief Minister was on radio yesterday expressing how he was worried that the New South Wales Labor government making conditions and pay more attractive across the border may make nurses leave our system. Yet the minister wants to open new walk-in centres, new buildings in Woden and a new hospital northside—just to name a few. Of course these are election promises, so they may still be decades away. However, it remains to be seen where the staff will come from.

On 24 January I was contacted by a patient at the Canberra Hospital who was admitted on 20 January for an endoscopy but had been bumped for four days in a row. When she called my office, she told my staff that doctors had said there was not enough nursing staff available to operate two theatres.

The Canberra health system is in crisis, Mr Assistant Speaker, and this minister continues to buck accountability and responsibility away. I have spoken about a Canberran who contacted my office who had waited almost six and a half years to receive a follow-up colonoscopy. Following his follow-up appointment, this patient contacted my office with an update. He told me:

I have now had the procedure, and it is not the best results after six and a half years. I had six lesions removed and now have a higher chance of developing

cancer. If the procedure had been carried out when recommended, the result may have been different. It has been recommended by the doctor that I have a follow-up appointment in 12 months. I have no faith in the Labor health minister.

This is just one person who has been completely let down by the health minister. There is also the disturbing revelation that two patients developed cancer while waiting more than a year to be seen, as well as a patient who had been on the waitlist for eight years, which prompted an investigation from ACT Health. These stories are dreadful and should not be occurring in the nation's capital.

Do not just take it from me, though. Listen to what key stakeholders said in a recent ABC article on 6 March 2023. The Australian Medical Association ACT President Elect Dr Kerrie Aust said that 6,021 patients overdue poses a "high risk". She said:

I've had patients travel to Wagga for scopes, I've had patients who've taken out a loan to ensure that they have a private scope as quickly as possible ...

Bowel Cancer Australia spokeswoman Dr De Lacavalerie said:

Delayed diagnosis leads to delayed treatment. Delayed treatment leads to poor outcomes and unnecessary deaths.

An unnamed GP describes the wait list as "catastrophic", and they go to great lengths to ensure their patients are seen sooner, including by appealing to private specialists to charge only a minimal fee. Welcome to Labor's plan for better health care when and where Canberrans need it!

The second "calls-on" in my motion urges the government to contract private providers to reduce the public waitlist. When I talk to private providers around Canberra, I am told that they have capacity and are willing to help CHS with their waitlists. I was told it would be at no extra cost to CHS doing the procedures themselves.

An unnamed gastroenterologist said in an April 2021 *Canberra Times* article:

... the ACT government had legitimate solutions to the endoscopy wait list problem, but it tossed them aside in favour of leaving people 'languishing'.

A governments spokeswoman responded, saying:

The ACT Government considered a range of private providers to meet endoscopy targets. The targets were exceeded without the need to utilise these providers.

This is not the case. Following this article, the minister agreed to do a full audit of the waitlist, which she expected to result in a 30 per cent reduction of the waitlist. On 30 September that waitlist was around 7,500. Following the audit, data taken from October 2022 shows that there are still 7,373 patients on the waitlist. This is a 2.7 per cent decrease from the waitlist at the end of 2021. Either the audit has failed to reduce the list, or there is excessive demand for the service and waitlists are blowing out again.

This is why I am calling on the government to immediately negotiate with private providers to reduce the extensive waitlist so that Canberrans who have been waiting more than their clinically recommended time can be seen. This waitlist has become catastrophic, and the waitlist does pose a high risk. There are options to help immediately reduce the waitlists. The government should support this motion and get on with the work that it promised in 2021.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (3.42): I rise, obviously, to not support Ms Castley’s motion.

I move:

Omit all text after paragraph (2)(a), substitute:

- “(b) ACT Labor took an ambitious plan to the last election that outlined how growing demand for endoscopy services would be met;
  - (c) the delta and omicron waves of the COVID-19 pandemic significantly impacted the operations of the health system including completing the endoscopy services feasibility work and clinical workforce availability;
  - (d) the ACT Government has brought forward significant funding to expand endoscopy procedure completion with nearly \$8 million invested to deliver more than 2,700 additional endoscopy procedures between 2021-22 and 2023-24 and to conduct feasibility on expanding physical capacity;
  - (e) of the 920 additional procedures to be completed in 2022-23, 707 procedures had been completed as at 10 March 2023;
  - (f) a 2021-22 audit of the endoscopy waitlist achieved a 25.8 percent reduction in the overall number of people waiting and a 29.7 percent reduction in the average waiting time, Canberra Health Services has committed to completing regular auditing of the waitlist to ensure it remains accurate;
  - (g) across all jurisdictions, health services are experiencing demand exceeding the number of scopes provided with factors driving this demand including the rollout of the National Bowel Cancer Screening Program, an ageing population and increases in lifestyle-related gastro-intestinal problems;
  - (h) Canberra Health Services is exploring ways to sustainably manage outpatient waitlists to ensure appropriate access and timing for a procedure, including working closely with the Southern NSW Local Health District to explore options for NSW residents to access endoscopy procedures closer to home; and
  - (i) Canberra Health Services is unable to identify any patient who developed a cancer during their wait time for a procedure with the Gastroenterology and Hepatology Unit ensuring the service follows Cancer Council Australia Guidelines regarding the triage of referrals and treatment to ensure timely treatment and surveillance of cancers; and
- (3) calls on the ACT Government to continue supporting investments in public endoscopy services to grow a sustainable Territory-wide service that meets demand.”.

I thank Ms Castley for bringing the motion. I have moved an amendment to address some of the issues she has raised, but also to commit us to continuing to support investments in public endoscopy services to support a sustainable territory-wide service that does seek to meet demand in an environment where we know that demand is growing not just in the ACT but across the country.

Mr Acting Speaker, at the 2020 election ACT Labor did take an ambitious plan to the Canberra community to upgrade and expand existing endoscopy facilities at the Canberra Hospital. We made a commitment to improve endoscopy services, which we have in fact been doing. Unlike the Canberra Liberals, who, as far as we can tell, did not commit to anything at the last election in relation to endoscopy services.

Across the health system, all services have been impacted by COVID-19, and our gastroenterology and hepatology unit as well as the infrastructure and health support services division at Canberra Hospital were no different in that regard. The Delta and Omicron waves of the COVID-19 pandemic have affected progress on a number of key projects, and the ACT government has worked hard to continue investments while projects get back on track to expand these vital services for our community. While we have been doing that, we have also been providing funding for additional scopes. Funding was brought forward, with more than \$8 million invested since 2021-22 to support immediate capacity increases to endoscopy services, as well as the feasibility to expand the physical capacity at Canberra Hospital.

This funding supported the gastroenterology and hepatology unit to complete extra operational hours, including some Saturday lists for procedures, and to increase the number of patients who could flow through the existing endoscopy suites at Canberra Hospital. The funding has also assisted in leave coverage of procedure lists, when clinicians are on leave, ensuring that services are not decreased during this time. Overall, this has been an investment in more than 2,700 additional endoscopy procedures over three years. A further \$0.8 million was funded in the 21-22 budget to undertake feasibility and design work for expansion and refurbishment of the existing endoscopy suites at Canberra Hospital.

To date, and I received this advice this morning, 731 of the additional 920 endoscopy procedures have been completed for the 2022-23 financial year. So that is well and truly on track to meet that target of 920 additional procedures this year. Canberra Health Services anticipates that the target of 920 will be reached.

I do want to take a moment to provide a bit more of an overview of the endoscopy services across the ACT, so we get a picture of exactly what it is that we are debating here. Endoscopy procedures, whether colonoscopy and/or gastroscopy, are routinely performed as same-day procedures under sedation, but as with any other surgical intervention, there is a level of risk, and complications may occur. Patients require significant preparation over several days for their endoscopy procedure, including reduced diet, clear fluids and bowel preparation to cleanse the gut.

Patients are referred to the gastroenterology and hepatology unit at Canberra Health Services by their GP, by their specialist, or through the National Bowel Cancer Screening Program. Public endoscopy services in the ACT provide for both ACT and



New South Wales residents, and public endoscopy services are primarily provided by Canberra Health Services. Endoscopy services are also provided by Calvary Public Hospital, and we have been in conversation with Calvary about establishing a territory-wide waiting list to ensure that there is equity of access across the ACT. But this motion is really about the Canberra Health Services waiting list and our commitment to upgrade and expand facilities at Canberra Hospital, so I will continue to focus on that, as Ms Castley has.

Waiting list entries are a combination of those booked for their procedure, patients appropriate for booking and patients who have been contacted and are unable to be booked for procedures or consults. There are several reasons that a patient may not be able to be contacted or booked; for example, a patient might decline the booking due to personal circumstances or other medical reasons. Due to the significant preparation that is required for a patient over multiple days prior to a procedure, it is unfortunately not feasible to fill procedure appointments when patients cancel at short notice. Emergency patients, of course, are seen within the endoscopy suite on the general list where they can be accommodated; however, several times a week these cases do occur after hours, and after-hours endoscopy procedures are then conducted in surgical theatres.

Mr Acting Speaker, the ACT receives approximately 150 referrals per week from the National Bowel Cancer Screening Program. This is in addition to routine referrals from GPs, which are having a significant impact on the overall wait times. The impact of the National Bowel Cancer Screening Program is significant. Of course, the screening program is also incredibly important, and I do not want anyone to suggest otherwise. There is no doubt that this is the case.

The program commenced in 2006, but it has widened its target ages since 2018—obviously, based on evidence—and that has seen a continued increase in the number of people participating in screening. In 2020-21, which is the most recent year that I have data for, the national participation rate was 40.9 per cent. The ACT at 44 per cent was well above the national rate—the third highest level of participation in the country. The challenge in all of this is the vast increase in the number of people who are now seeking endoscopy services, which is highlighted in a cost-benefit analysis of the National Bowel Cancer Screening Program. It is not just an ACT issue.

The number of colonoscopies required to reduce mortality and improve outcomes from bowel cancer means there is significant demand placed on these services. As I said, it is something that all jurisdictions have been grappling with since the program commenced, and particularly in the context of expanding eligibility. The ACT government has continued to work towards a sustainable endoscopy service that is able to meet both the National Bowel Cancer Screening Program requirements and the needs of those with less urgent conditions and referrals.

Canberra Health Services does continue to work to improve accessibility of endoscopy services for residents of the ACT and its surrounding New South Wales regions. Most recently, Canberra Health Services has increased availability of endoscopy procedures completed in the operating theatre environment, expanding this service to one procedure list every week, which is a significant improvement on previous service provision. This increase provides better access to endoscopy services

for high-risk patients who require their procedure to be completed in the theatre environment. This ensures adequate access to acute health care during their procedure.

In addition, a dedicated nurse has also been appointed to assist to streamline access to these procedure lists for our consumers. Canberra Health Services has also appointed a specialist endoscopy nurse, or a luminal nurse, for endoscopy procedures completed onsite in the gastroenterology and hepatology unit at the Canberra Hospital. This nurse ensures streamlined access to endoscopy services to assist the unit to adequately utilise their current service capacity.

Canberra Health Services is committed to ensuring that the nursing staff in the unit are working to the top of their scope of clinical practice in order to provide improved access to these services. I recently visited the team, and I was really heartened to hear the doctors talking about the importance of multidisciplinary care in this space and the real value that the nurses add—really speaking with very high praise about their work and the importance of it and the importance of ensuring that they have the opportunity to work to that scope of practice.

These dedicated nurses assist the service with a focus on ongoing consultation with multidisciplinary teams, ensuring test results are received and/or are followed up, and contacting patients to provide them with relevant and timely information to ensure that they do understand the preparation requirements and are adequately prepared for their procedures. These measures all assist with treatment preparation compliance, which means improved utilisation and improved attendance rates. These services reduce the requirement to reschedule patients who are not adequately prepared for, unable to attend, or do not attend their procedure appointments.

Canberra Health Services is also working proactively with New South Wales, which has recently increased regional capability to undertake an additional 100 endoscopies a month at Queanbeyan district hospital. The two services are now working closely together to ensure that New South Wales residents are returned to New South Wales services where possible, freeing up more capacity for ACT residents.

The move to the new Digital Health Record that went live on 12 November 2022 has replaced 40 legacy systems and will continue to transform the way our health services manage care, referrals and waitlists into the future. The change to the Digital Health Record has been significant for all users and data teams. It will take some time to stabilise, but once it is stabilised the DHR is expected to improve efficiency and, alongside our additional investments in endoscopy, will enhance the way services are delivered in the community.

We recognise that there are many patients who are continuing to wait too long for endoscopy services in the ACT, and that, of course, is distressing. It is distressing to Ms Castley, I know, when she hears about it from constituents. It is distressing to me, and it is distressing to our teams. A feasibility study has been completed to determine the best possible way to increase longer-term capacity for this critical service. This will see an expansion and relocation of the endoscopy suites within Canberra Hospital in the coming years, and I will be in a position to provide some more commentary about that, I expect, as part of this year's budget. It is worth, again,

reminding members that this capacity-demand mismatch for endoscopy procedures is replicated across all health services in Australia in part due to the success of the National Bowel Cancer Screening Program, but also due to an ageing population and lifestyle factors which have resulted in significant increases in the number of people experiencing gastroenterological or bowel-related symptoms.

It is important to note that Canberra Health Services has advised it is not able to identify any patient who developed a cancer during their wait time for a procedure. The gastroenterology and hepatology unit follows the Cancer Council Australia guidelines regarding the triage of referrals and treatment to ensure timely treatment and surveillance of cancers, and it is really important to emphasise that these services' scopes are not just about cancer. There are a much wider range of issues that prompt people to seek endoscopy procedures.

These guidelines, however, in relation to the Cancer Council Australia guidelines, are being reviewed and are currently published on the Capital Health Network healthcare pathways website for access and use by primary care, as well as internal CHS services. These guidelines aim to improve the quality and appropriateness of referrals to the service to ensure optimal triaging. Again, it is important to recognise that providing scopes where they are not recommended does carry a risk. They also provide primary care GPs with the information on managing low-risk patients who may not require management in the tertiary centre. The gastroenterology and hepatology unit is working closely with the GP liaison unit on communicating the importance of the use of these guidelines when referring to the service.

**MR DAVIS** (Brindabella) (3.57): I rise to speak in support of Minister Stephen-Smith's amendment to Ms Castley's motion, and I thank Ms Castley for the motion and for the opportunity to speak about endoscopy and colonoscopy services in the ACT. I am deeply concerned about the picture painted by Ms Castley through her motion, which described people waiting for colonoscopy and endoscopy services for far longer than is recommended best practice.

Colonoscopy is a key follow-up diagnostic for people who have returned a positive screening test for bowel cancer, while endoscopy services such as gastroscopy can be used to diagnosis cancer of the stomach and oesophagus.

A cancer diagnosis is devastating for individuals, their families and their friends. Bowel cancer is the second most common cause of cancer-related death in Australia. More than 5,000 Australians died from this cancer in 2022. In addition almost 2,000 Australians died from cancer of the oesophagus and more than 1,000 people died from stomach cancer. Early detection gives patients the best chance of beating cancer, and we must strive to make sure we give everybody that best chance.

Australia's National Bowel Cancer Screening Program continues to strive for world-leading early cancer detection. The screening program is a free public health program available to Australians aged 50 to 74. Luckily, if bowel cancer is detected early, the survival rate can be higher than 90 per cent. The ongoing rollout of this program is one of the many reasons for increased demand for colonoscopy and endoscopy services in recent years.

Additionally, general practitioners are concerned that a decline in healthy lifestyle factors is increasing the risk of people developing these cancers and therefore increasing demand for these services. Early detection is important, but our health policies must also address the root causes of these issues.

The Greens believe in prioritising preventive health care so that people can live healthy lives and stay out of hospital in the first place. There is a broad range of policies that are crucial for preventing cancers that can be detected through colonoscopy and endoscopy procedures. Lifestyle factors that are critical to preventing cancer of the bowel, oesophagus and stomach are daily exercise, a healthy diet and limiting your smoking and alcohol consumption.

These are all policy areas that the Greens actively work on, and we consistently strive to give everybody access to free, universal support programs. We do that by making sure that kids in the ACT have access to the best sports and recreation facilities, as an example, that people have access to active transport, and that our air is not polluted by smoke.

Our goal should be that every eligible person takes their screening test and that every person who needs a follow-up diagnostic procedure has access to it in the recommended time frame. Bowel Cancer Australia recommends a colonoscopy within 30 days from the first healthcare presentation for people who are experiencing warning signs from a positive screen test. If wait times exceed 120 days, prognosis can worsen if cancer is present. Ms Castley's motion says that wait times are much longer than this. Patients classified as urgent are receiving care in an average of 47 days, and the average wait time across patient categories is 399 days. That is too long to wait for a necessary screening, not to mention the mental health burden of waiting to confirm or deny whether you have cancer.

Unfortunately, longer wait times are not unique to the ACT and challenges in delivering these services have been experienced around the country. I have been reassured, from representations I have made to the minister's office, that no patient has developed cancer in their time waiting for access to these services.

It is also understood that the COVID-19 pandemic significantly impacted the ability of the health system to meet the demand for these services. This is not an excuse but merely an observation that cannot be denied. Despite this, I have continued to seek assurances from the minister and her department that commitments to expand the delivery of colonoscopy and endoscopy services are being delivered.

Ultimately, everybody in the ACT should be able to access these services readily and for free. At face value, I do understand the temptation to resort to private services to help reduce wait times in the public sector, as described in Ms Castley's motion. However, I am loath to call for the direction of much-needed and limited public funds towards private service providers at the expense of building sustainable, well-resourced, long-term public facilities that can provide the same services at a lower cost.

Challenges of wait times do not mean that we need to hand our health service delivery over to the private sector. The ABC reported on 6 March this year that a local Canberra

man named Tony paid more than \$2,000 to access a colonoscopy in the private system. Canberra has the lowest rates in the country of private colonoscopy and gastroscopy services delivered with no out-of-pocket costs, with typical specialist fees of up to \$1,300 and \$1,000 respectively. Those costs do not even include other costs like hospital charges and the cost of aftercare services like Hospital in the Home. This makes the public delivery of health services even more important for our communities.

I wish that Tony did not have to resort to the private sector for his procedure, and for many people in our community that would simply not be an option. The minister has assured me that in the short term the ACT government, and in particular Canberra Health Services, are taking the necessary measures to address the lengthy waitlists for these services. I thank the minister for informing the Assembly and the Canberra community of the almost \$8 million that has been invested to deliver more than 2,700 additional endoscopy procedures before 2024. I have also been informed through briefings with the minister's office that a feasibility study on expanding the existing unit will be undertaken.

The minister has informed me that more than three-quarters of the additional procedures aimed to be delivered this financial year have already been delivered. I thank the minister and her staff for sharing the results of the 2021-22 audit of the endoscopy waitlist, which showed that the number of people waiting and the average wait times have reduced by more than a quarter.

Importantly, I thank Ms Castley for the concerns raised in her motion and in particular the representations she has brought to this place on behalf of individual constituents who have spoken to her and her team. I thank Minister Stephen-Smith for updating the Assembly on the ACT government's commitment to reducing endoscopy and colonoscopy waitlists. I will continue to engage in this conversation and seek briefings from the minister's office to ensure that the government delivers these commitments.

**MS CASTLEY (Yerrabi) (4.04):** Mr Assistant Speaker, in closing, I want to address some of the changes in the amendment that the minister has circulated. I note that she kept all of the front section, which agrees with the terrible situation of the current wait times, but the parts that have been taken out are of concern to me. Let me read them out to you. In (2):

- (b) scoping and planning for this upgrade and expansion was to commence in 2020-21 with refurbishment of the rooms to begin in 2021-22;

That is taken out. Next:

- (c) the latest Parliamentary and Governing Agreement and Election Commitment Report of 7 June 2022 labelled this work as "not yet commenced";

That has been removed. Further:

- (d) a contractor was selected to examine the feasibility of these upgrades in May 2022, but construction had not commenced as of 6 March 2023;

That has also been removed, as have:

- (e) in 2021, an ACT gastroenterologist was quoted saying the “ACT Government had legitimate solutions, but it tossed them aside in favour of leaving people languishing”; and
- (f) one of the suggested solutions was to revive an agreement with Calvary Private and contract ACT Endoscopy and Brindabella Endoscopy to cut down waiting lists;

It looks like the government are happy to admit that things are bad and remove everything that shows they might have a moment of transparency for the people of Canberra. The proposed amendment shows that they are wanting to remove election commitments from the motion, which is very concerning to me. It goes—we have said it before—to this culture of secrecy that the government have.

Turning to the things that they have added in the amendment, it is quite self-congratulatory. And the figures do not lie. Let us look at proposed paragraph 2(c) in the amendment:

- (c) the delta and omicron waves of the COVID-19 pandemic significantly impacted the operations of the health system including completing the endoscopy services feasibility work and clinical workforce availability;

I am wondering whether COVID has affected the tram! It is just a thought that I had when I was looking at this amendment.

Other points to note here include:

- (g) across all jurisdictions, health services are experiencing demand exceeding the number of scopes provided ...

However, other jurisdictions, except the ACT, do use private bodies to get these surgeries done. The amendment then says:

... with factors driving this demand including the rollout of the National Bowel Cancer Screening Program, an ageing population and increases in lifestyle-related gastro-intestinal problems;

They have increased everything. I get that. The National Bowel Cancer Screening rollout was in 2006; that was 17 years ago. We admitted, back in 2010, that we have an aging population; that was 13 years ago. What I am concerned about here is that, again, adding this information as a throwaway, “We’re doing everything we can and things are really tough,” proves that the government are unable to plan for Canberra’s growing needs and that they have not adequately set up our health system to cope with the demand. They are short-sighted, and now we are paying the price, big-time.

The “calls on” in their amendment to my motion is quite significant. I asked the minister to provide an update on their election commitment—as you have heard me say, there is no transparency there, of course—and immediately get the private teams involved to help to reduce this list and get Canberrans the help they need as quickly as possible. The amendment seeks to change this to:

- (3) calls on the ACT Government to continue supporting investments in public endoscopy services to grow a sustainable Territory-wide service that meets demand.”.

They have had 17 years, because that is when the Bowel Cancer Screening Program rollout happened, and we are still in a mess, with many thousands of Canberrans waiting!

Let us revisit some of the information that the experts have shared: the waitlist has become catastrophic; long waitlists do pose a high risk; and the government had legitimate solutions to the endoscopy waitlist problem but it tossed them aside in favour of leaving people languishing. The AMA said 6,021 overdue patients poses a high risk. They have had patients travelling to Wagga or taking out a loan to ensure they can have the private scope as quickly as possible. Bowel Cancer Australia says that delayed diagnosis leads to delayed treatment; delayed treatment leads to poor outcomes and unnecessary deaths. These are not my words; these are the words of the experts.

Gastroenterologists have said they were calling for more facilities 14 years ago, in 2009. They have said that facilities have to double to keep up with demand, but we read that this new facility is not scheduled for completion until 2026. All in all, 17 years since the warning, we might have adequate facilities. I wonder whether the government have considered how large Canberra will be then and what the list will look like. The government have underspent on infrastructure, despite money being budgeted, but they are happy to do a rebrand.

Can we really believe the statement that Labor made on 15 October 2020 that referred to Labor’s plan for “better health care—where and when Canberrans need it”? They say that Canberrans rely on our health system to be there when they need it, and that ACT Labor is committed to investing in a system that delivers better health care closer to home. Well, better health care closer to home, unless you are a woman, of course, because we heard last week that gynaecological cancer does not get a guernsey. The Barr-Rattenbury government believes that it is totally acceptable to travel to Sydney for treatment. But I digress. That was last week’s story.

We know that people who can afford to pay are choosing to fund their own surgeries or go out of town, but what about the thousands who cannot afford it? They are having to wait. This is not the health care “when Canberrans need it”. It takes 6½ years to get the required procedure that some people need. This is not health care where and when Canberrans need it.

This Barr-Rattenbury government is all talk and no action, and I commend my motion to the Assembly.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 15		Noes 8
Mr Barr	Ms Orr	Mr Cain
Mr Braddock	Dr Paterson	Ms Castley
Ms Burch	Mr Pettersson	Mr Cocks
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	Mr Milligan
Mr Gentleman		Mr Parton

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

### **Minister for Health—conduct**

**MR HANSON** (Murrumbidgee) (4.15): I seek leave to move the motion circulated in my name, calling on the health minister to apologise for misleading the Assembly.

Leave not granted.

**Mr Gentleman**: Mr Deputy Speaker, we will grant leave for a period later today after normal business, private members' business and executive business have been dealt with.

### **Animals—snakes**

**DR PATERSON** (Murrumbidgee) (4.16): I move:

That this Assembly:

- (1) notes that:
  - (a) the ACT has an abundance of native wildlife, this includes eight different species of snakes of which five are regarded venomous to humans;
  - (b) snakes are important in maintaining a healthy biodiversity in maintaining our environment. Snakes are important to our ecosystem in Canberra, where along with other reptiles, they make up a significant proportion of the middle-order predators that keep natural ecosystems working. Without them, the numbers of prey species would increase to unnatural levels and the predators that eat snakes would struggle to find food;
  - (c) snakes are protected under the *Nature Conservation Act 2014*, and it is an offence to kill, injure or take snakes from the wild;
  - (d) in the ACT, snakes are most active from September to April when they sun themselves or when they move in search of food or water. Sometimes in their pursuit of food or water, they can enter suburban gardens and houses;



- (e) snakes are stigmatised in the community, which means many people are fearful of them and they are prone to being injured or attacked by people when contact occurs;
  - (f) education is an important part of ensuring the community can safely live alongside snakes, something that we will increasingly need to do as our urban environment encroaches on their natural habitats;
  - (g) in the ACT, there are four licensed snake catchers, ACT Snake Removals, Canberra Snake Catcher and Reptile Removals, Canberra Reptile Zoo, and Canberra Snake Rescue and Relocation;
  - (h) these licensed operators respond to calls from the community to safely remove snakes from people's homes and businesses and release them back into the wild if they are not injured;
  - (i) under current regulations if a snake is injured, licensed snake catchers are only allowed to keep them for veterinary care and treatment for 48 hours. When a snake requires further care, this means that the snakes have to then be moved to a veterinary clinic or euthanised. This puts extra unnecessary pressure on veterinary clinics, when a licensed and trained snake catcher could continue care through to release; and
  - (j) the licensed snake catchers also run programs in the community to educate about snake behaviour and reduce fear of snakes. Currently in the ACT, the Canberra Reptile Zoo and the National Zoo and Aquarium are the only places where venomous snakes can be kept which presents a range of challenges for snake handling and education; and
- (2) calls on the ACT Government to:
- (a) explore the possibility of extending the 48 hour window that licensed snake catchers can care for an injured snake that has been caught for as long as they need veterinary supervision;
  - (b) explore the potential for allowing licensed snake catchers to register ownership of venomous snakes for education purposes, in line with other jurisdictions;
  - (c) support snake education programs run in the ACT, including education programs for new migrants and refugees that experience heightened fear from snakes; and
  - (d) report back to this Assembly by 30 November 2023.

I am excited to bring this motion forward today, as I think it is essential that snakes are protected and that there is more education in our community about how we can live alongside our reptile friends.

Many members and staff today have had the chance to meet some snakes in the Assembly. Gavin Smith, from ACT Snake Removals, came in, with four very venomous snakes, and introduced us to them. I would like to thank Gavin for this introduction and education session. I would also like to thank the OLA for their patience in working with us to bring these snakes into the Assembly, and thank my staff for their work to get that happening today. It was a bit of a journey to get here. I would like to acknowledge something that Ms Orr said in this process, when I told her that I was working on bringing snakes into the Assembly. She instantly froze and

said, “No, you’re not allowed to bring props into the chamber.” I said, “No, I will not be wearing a snake when I move the motion today.”

Snakes have a somewhat slippery reputation, and I am sure many in this place will agree that such a bad reputation is not entirely fair. Whilst, of course, many snakes are genuinely dangerous to humans and our pets, we must also learn how to live alongside these creatures respectfully. Mr Deputy Speaker, you might ask: why? Snakes are, in fact, essential to our biodiversity in the ACT. It is time to shed our fears and scale up our efforts to conserve and protect these vital creatures.

Last week I discussed the importance of snakes to our environment with Elle Lawless, the Executive Director of the Conservation Council ACT, who told me:

The ACT is home to incredible wildlife including our stunning snakes ... Biodiversity is essential for the processes that support all life on Earth, including humans. Without a wide range of animals and plants together with snakes we cannot have the healthy ecosystems that we rely on to provide us with the air we breathe, water we drink and the food we eat. And nature itself is intrinsically valuable in its own right and has a right to thrive.

In the ACT we have an abundance of native wildlife, something which we are all so proud of. Whilst they do not quite have the appeal of some of our fluffier native animals, our slithery friends deserve just as much attention.

Currently, in the ACT there are eight different species of native snakes, five of which are regarded as venomous to humans. Whilst I understand that venomous snakes are not the most appealing animals, they are critical to our region’s ecosystem. The ACT environment directorate praises snakes as an “important part of the web of life and food chain”. In Canberra, snakes, along with other reptiles, make up a significant proportion of the middle-order predators that keep natural ecosystems working. Without them, the numbers of prey species would increase to unnatural levels and the predators that eat snakes would struggle to find food. Your kitchen pantry may well be rodent free as a result of Canberra’s native snakes having an impact on reducing rodent population numbers.

Even though they are helping us out in the kitchen, people often hold a lot of fear of snakes. Whilst snakes are protected under the Nature Conservation Act and it is an offence to kill, injure or take snakes from the wild, people often have a fear-based response when seeing a snake.

Snakes are highly stigmatised in the community, which means people, unfortunately, do injure these snakes when they are within the vicinity of people’s homes. Injuring snakes can disrupt the natural balance of ecosystems and lead to declines in this important species, and even result in unintended consequences for human health and wellbeing.

As mentioned previously, some species of snakes play important roles in controlling rodent populations. These rodents can carry diseases and cause damage to crops and property. In areas where snakes are killed or removed, rodent populations may increase. By injuring or killing these animals, we further contribute to their decline and may negatively impact the biodiversity of our region.

As our population grows, so does our urban environment. The addition of new suburbs and buildings means that we are likely to see an increase in snakes and snake interactions in our daily lives. The change in climate is also increasing the length of time that snakes are now active. Gavin Smith—who, as well as being a snake catcher and educator, is also a researcher at ANU, and runs the snake tracking program there—told me that snakes have been sighted in the ACT in May, June, July and August. Whilst this is not the usual time period for snakes to be known to be most active, they are still very much around.

All of these factors make it even more important for us to develop a greater understanding of snakes and how best to live alongside them. Living with snakes sounds like a bit of a slippery situation, but, with some education and caution, we can all “co-hiss-ist” in harmony.

One of the vital parts of the work that Gavin and all of our ACT snake catchers do is education in the community. Many people will have seen Gavin and his colleagues out at the Canberra Show. They also present to many schools and other community events around the ACT. This work is really important in educating Canberrans.

As new Canberrans arrive, especially from migrant and refugee backgrounds, snakes can be a huge fear for people. It is especially important that time is spent with our newest residents to ensure that people know how to live alongside our native wildlife safely, and with the lowest possible risk of harm, and that both our wildlife and people are protected. I think this plays into the fact that Australia has a reputation internationally for having the most venomous snakes, spiders and other animals. Running education programs is critical, and something that is not particularly smooth sailing for our snake catchers. Under current legislation the licensed snake educators cannot keep venomous snakes, and this includes for the purposes of educating our community.

I was shocked to learn that such regulations have led to cases where snakes have been flown in from interstate for snake handling training courses, creating a momentous effort and cost to educate future Canberrans who are committed to catching snakes, and educating people in Canberra on safe practices around these venomous creatures. Transporting snakes from interstate may also be distressing for those snakes, not to mention the biosecurity issues.

As Gavin Smith explained during lunch today, even just for the Canberra Show, they have to get the snakes from the Canberra zoo, take the snakes to the showgrounds and bring the snakes back at the end of the day, which is all outside the zoo’s opening hours. It takes many hours of extra work for everyone, just to run this basic education program.

In the ACT there are four licensed snake catchers—ACT Snake Removals, Canberra Snake Catcher and Reptile Removals, Canberra Reptile Zoo, and Canberra Snake Rescue and Relocation. These licensed operators, who have other day jobs, respond to calls from the community to safely remove snakes from people’s homes and businesses and release them back into the wild.

Most of these snake catchers and educators do this work around full-time jobs and family responsibilities. The role that they play in our community is commendable and is driven by their love and respect for our snakes. The ACT government must explore ways in which we can support this work so that we do not burn out these individuals, who many in the community consider are performing an essential service—removing snakes from Canberra’s homes, sheds, schools, offices and military sites, as we heard earlier today.

In the ACT, snakes are most active from September to April, when they sun themselves or move in search of food and water. Sometimes, in the pursuit of food and water, they enter suburban gardens and houses. This year alone, ACT snake catchers have rescued, caught and released over 175 snakes. That is only three months into the year. This shows what a critical service they are running. This includes removing snakes from schools—four snakes in different schools in a 24-hour period.

When snake catchers like Gavin reach the snakes, they frequently find that snakes have been injured. Under current regulations, if a snake is injured, licensed snake catchers are only allowed to keep them for veterinary care and treatment for 48 hours. When snakes require further care—for example, a course of antibiotics that might be for a week—this means the snakes have to be moved to a veterinary clinic or euthanised. This puts extra unnecessary pressure on veterinary clinics, when a licensed and trained snake catcher could continue to care for them until their release.

Whilst I understand that 48 hours is the same period that everyone else is allowed to keep other injured native wildlife before seeking veterinary assistance, vet clinics are often not set up to house snakes, and do not often have trained staff to administer treatment. It should also be noted that some vet clinics will not allow venomous snakes on their premises due to insurance or safety risks, so options for expert care are limited. The only other place that you may find snakes in Canberra is the Canberra Reptile Zoo. However, they only have a licence to keep captive bred venomous snakes, so they are not able to care for or keep injured snakes from the wild.

That is why my motion today calls on the ACT government to consider ways to better support these people who are most committed to protecting and caring for Canberra’s snakes, and to allow trained and licensed professionals to keep native snakes for the purposes of education. The motion also asks the ACT government to explore the possibility of extending the 48-hour window in which licensed snake catchers can care for an injured snake that has been caught. Further, the motion calls on the ACT government to support snake education programs run in the ACT, including education programs for new migrants and refugees that experience heightened fear from snakes. Yesterday Gavin said to me:

It is important for snakes to be respected and cared for, like they have been for thousands of years by the Ngunnawal peoples. As Canberra grows in population, it is essential that the community understand how to live alongside our native snakes in a respectful and safe way. In my work both as a researcher and a snake catcher, it is increasingly apparent how essential it is for more to be done both in regard to education ... and care of snakes when they are injured.

Today I bring this motion to the Assembly, and I hope that it is just the start of greater protections for our native snakes, and support for those catching and caring for snakes

in our community. I believe that the work that the ACT snake catchers do is a vital community service that should be supported by the ACT government. As we grow in population numbers, I hope that we can do so in harmony with our environment. It is time to shift from a position of fear to a position of respect, and protect these essential members of our ecosystem.

**MS LAWDER** (Brindabella) (4.30): Thank you to Dr Paterson for bringing forward this motion today. It calls on the ACT government to consider extending the 48-hour window for snake catchers to care for an injured snake; to consider allowing licensed snake catchers to register ownership of venomous snakes for educational purposes; and to support snake education in the ACT, particularly for new refugees and migrants. I think this is especially important in the context of us living in the bush capital. We do see plenty of snakes in our suburban areas, and I am certainly not talking about our colleagues up on the hill!

Snakes, whether you love them or hate them, do maintain an important role in the biodiversity of our natural environment. They get a bad rap, generally speaking, but they do a lot of good. They are both predator and prey. They help to maintain balance in the ecosystem. They are also a wonderful form of pest control, helping to keep rodent populations under control. Improving education around snakes is important, as they are viewed by many as dangerous and unpredictable. Like most wild animals, if you leave them alone they tend to do the same to you.

We have a number of snake catchers here in the ACT. They do important work—work I am sure most people would not dare to do themselves and should not. Responding to calls from residents to remove snakes from homes and businesses and releasing them safely back into the wild is a valuable community service. The situation can be stressful for the resident and the snake itself, and it is important that we have experienced snake catchers here in the ACT to defuse these situations. If expanding the current limitation of 48 hours for licensed snake catchers to provide injured snakes with veterinary care reduces the pressure on our veterinary services, while still ensuring that the injured snake is receiving proper treatment, then I do not see why that should not be considered.

Similarly, exploring the potential for licensed snake catchers to register ownership of venomous snakes for education seems reasonable, if it aligns with other state and territory jurisdictions. As someone who had visitors in my home for the best part of six months last year—refugees from the Ukraine—I can see the benefits of education programs about snakes for new refugees and migrants. It was in some ways a bit of a joke to talk about Australia's dangerous wildlife. We talked about spiders and snakes and sharks and crocodiles and even drop bears. Apart from the joking side of it, it is important for newcomers to Australia to recognise the venomous animals, snakes and insects that we have here and to be wary of them and treat them with the respect that they deserve.

We get snakes in my own backyard. We always have, because we back onto a nature reserve in Tuggeranong. Generally speaking, in my experience, they move on in their own time. I think they come to some backyards when there are chickens with eggs, as we have; when there are rats in compost heaps; and where there is water. They may also come in to escape predators out in the nature park. Foreigners hear many stories

about our wildlife here in Australia, so education would be very useful about how to behave when you encounter different animals here in Australia to what you may be used to in your original country.

I would like to acknowledge the work that a number of snake-catching organisations do in the ACT—for example, ACT Snake Removals, Canberra Snake Catcher and Reptile Removals, Canberra Reptile Zoo and Canberra Snake Rescue and Relocation. Related to that, we have discussed the injuries caused to snakes, as well as other animals and birds, by netting that has been used in the ACT. We have spoken about that issue here in the Assembly. I have seen online and in other forums the terrible injuries that can be caused to snakes through that netting.

Once again, I would like to thank Dr Paterson for bringing forward this motion. We are happy to support her motion today.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (4.35): I would like to thank Dr Paterson for bringing forward this motion and note our support for the calls of this motion. When we talk about snakes there is usually one of two reactions—respect and/or fear. It is not the most comfortable thing to admit, as the environment minister, but I have always had a bit of a problematic phobia with snakes. Some of you might have witnessed it today.

I have lived with this phobia for most of my life. The family story goes that when I was very, very little we were on a bushwalk and we came across a snake. My mother freaked out a little bit and the neural pathway was set. I have tried to conquer the fear. I did once try to watch a series of Steve Irwin snake videos to try and desensitise myself. I have even touched one or two, in controlled environments, but it just has not seemed to help. However, over the last six months I have been on a bit of a journey to get to know these creatures a bit better. I have been really lucky to spend some time with Gavin Smith, who some of you met today, who is one of the leaders in a snake-tracking research project that we have supported through the ACT environment grants. This has been complemented by knowledge shared by local Ngunnawal knowledge holder Richie Allan, which I will talk about a little later.

Through this I have learnt a lot about snake behaviour and about human behaviour. I have had a close encounter with Hank, a 1.6-metre eastern brown, which was a slightly terrifying and awe-inspiring experience. Eastern brown snakes are common throughout the ACT and play a key role within our environment. Today many of us got to meet one, as well as a red-bellied black snake, a tiger snake and a death adder. Even as I was looking at them at a healthy distance, with my head tingling and my heart beating, I could not help being in awe of their colouring, their marking and their movement.

Licensed snake relocators play an important role in protecting the community. Taking a step back, this motion, at its crux, is about elevating conversations with the community about how we can do things better. It is about learning, continual exploration and ongoing improvement. I suggest that this exploration is particularly timely. We are coming out of three years of La Nina weather conditions. As you may

have noticed, our grasses and our ground covers are growing well. Our wild creatures that live amongst us are also thriving, which is great news.

You would have heard me talk a lot about the importance of our grasslands and the understorey layers of vegetation which are critical for our ecosystems. However, balance is critical, and I have heard some concerns in my conversations with the community. People are often very concerned that habitat such as grasslands may encourage snakes, making it unsafe for people and domestic animals. We need to have in place approaches that balance the risk of danger but also recognise the reality that living in the bush capital and close to nature means that we will sometimes encounter nature, particularly when we are going into their home ranges.

Individuals who we look to assist us to deal with these encounters also report challenges, particularly in responding to people's fears and reactions to the snakes that they encounter. Again, balance is critical. The conservator guidelines require tight restrictions for all licensing related to keeping venomous reptiles in the ACT. A major reason for this is maintaining public safety. Careful consideration will be needed, as keeping snakes in captivity, especially wild snakes, is stressful for the animal. In exploring how our system can be improved, we need to ensure that our guidelines and our systems remain focused on animal welfare. It is also important to note that there is a risk to human health and safety, and to the animal itself, which is greatly increased with every interaction and whenever keeping is extended.

It should be noted that vets can keep venomous snakes under their care indefinitely while they are being rehabilitated, without the need for a licence. Licensed snake catchers can keep snakes for up to 48 hours if necessary. Snake catchers are also licensed to euthanise a snake if they consider it to be in the snake's best interest, such as the snake having severe injuries. This means that, at this time, snake catchers have the following options: to release the animal appropriately, provide it with care for 48 hours, take it to a vet or euthanise it.

It is important that, in exploring the ways that we can improve our processes, there are no unintended consequences. For example, one of the things that we are thinking about is that if snake catchers are permitted to keep venomous snakes indefinitely, there could be some unintended consequence where a person wanting to keep a venomous snake as a pet would be able to apply to become a snake catcher. At the moment there is no practical barrier, such as an accredited qualification, in applying for snake catching, so it would be difficult to refuse that application. Again, it is in the best interests to limit those licensed to keep venomous reptiles in the ACT, as there is a risk to human health and safety and to the animal itself.

I support the education aspect of the motion, because it is really important that the community can live in harmony, in our bush capital, with these amazing creatures. As noted, we are supporting research so that we can better understand the movement of snakes through the landscape and better understand these creatures more generally. Even with education, it is really important to think about when this might be appropriate. With temperatures cooling, education might be best timed for spring, when the temperatures again raise and snakes venture out of hibernation.

It is also really important to understand the different cultural perspectives of the snake, as a way of increasing public understanding of the role of these often persecuted

creatures in the environment and in Indigenous culture, as a way to enhance relations between Canberrans and snakes. This understanding has been quite transformative for me in my understanding of and relationship with snakes. Through talking and learning from Richie, I have become conscious that my cultural background has cast snakes in a very bad light. They are the original temptress and corruptor in Judaeo-Christian stories. I also reflect that when Europeans came to Australia they found a harsh and frightening landscape. Their experience was often of a landscape that was dangerous and trying to kill them. Snakes are a part of this frightening experience.

However, First Nations expression gives us a whole other framework to understand the role and the value of snakes. The fact is that so many First Nations creation stories feature the Rainbow Serpent, a core creator that shapes and contours the land. Sometimes a great father but often also a great mother, it is a creator associated with the other life-giver: water. It is a moderator of behaviour to ensure that the land is cared for. In some stories it is the creator of humanity but also of mountain ranges, rivers, valleys and grasslands. It is an old, old story.

I understand that in the Keep River region of the Northern Territory the Rainbow Serpent is associated with the black-headed python. Its name is also that of a significant rock art site that archaeologists say dates back at least 18,000 years. This is very different from my childhood interpretation of snakes.

Once again, I thank Dr Paterson for this motion and for elevating these conversations. We really look forward to exploring the calls within the motion. Thank you.

**MS CLAY** (Ginninderra) (4.44): I would like to add a few words to the debate today. I thank Dr Paterson for moving this motion. I am so sorry I missed the snake show today; it sounded amazing. It has been great to hear people talking about the role snakes play in our ecosystem as predators and prey—the role they play in our food chain, the role they play in keeping our pest species, like mice and rats, down, and the role they play in providing food for native animals. They are really important for a healthy ecosystem. We have also heard about the cultural role that they play. My colleague Minister Vassarotti has explained how snakes get quite a bad rap in some cultures, while they are really quite important to others.

We have a lot of different reactions to snakes, and we have heard about most of those here today. I imagine Dr Paterson saw most of those earlier as well. It is quite a difficult dynamic for a lot of people in our community who are seeking to learn about snakes and protect snakes, and for those who are frightened of snakes. I have learned a lot about snakes in the last couple of years. I moved a motion about animal-friendly fruit tree netting in November 2021. That was a really great motion. I was really pleased that we managed to bring that one forward. It was about banning the fruit tree netting that harms native wildlife and about providing education, just like today's motion, to make sure that we are using netting properly and learning to coexist with our wildlife.

The focus of that motion was on grey-headed flying foxes, but snakes get injured just as frequently in that netting. I had the opportunity to cross paths with Associate Professor Gavin Smith on that, and he told us quite a lot about snakes getting caught in this netting. A lot of people sent me fairly horrible pictures of brown snakes and



other snakes getting caught in that netting. As with many things, anything we can do on education and environmental protection will help every aspect of our environment.

In August 2022 I was really happy to move a motion about mowing. Again, that was about protecting our ecosystems, working with the community and working on our education to make sure that we get the right balance between looking after the aesthetics of our neighbourhoods and looking after our people and making sure that we are looking after habitat and the ecosystems that we really need for our wildlife. The resolution ensured that conservation areas are better protected from inappropriate mowing. It looked at better community conversations about the importance of Canberra's grasslands and wildlife, through education. I became quite starkly aware that tall grass is a common community concern and that grass providing cover for snakes is a really big concern for some people in some of our urban areas. We really need to work with those fears and work with people to look at how we bring everybody along on the journey of looking after our natural habitat and our wildlife.

I am really grateful for the work that snake catchers are doing in Canberra. It is incredibly important. It is so important that that work continues and that we have appropriate and considered processes in place to ensure that we get the best possible outcomes for injured snakes. It is also really important that people are educated about the services that are available so that the public do not take matters into their own hands. It is really important all round that we get great education programs. Dr Paterson and I were recently talking to some schoolchildren who asked Dr Paterson about this very issue. It was clearly a great opportunity for education. It is so clear that we can do a lot better in this space. I would like to congratulate Dr Paterson on this motion. We are very happy to support it.

**MRS KIKKERT** (Ginninderra) (4.48): I have a love for snakes, so I am very grateful to speak on this. Thank you, Dr Paterson, for bringing forward this motion and especially for organising today's snake show with Gavin. That was super fun. I really loved it. I give a shout-out to Gavin from the ANU; I really appreciated your show today. Also, I give a shout-out to the licensed snake catchers: ACT Snake Removals, Canberra Snake Catcher and Reptile Removals, Canberra Reptile Zoo and Canberra Snake Rescue and Relocation.

One thing I learned today from Gavin—and I did not know this—is that when he catches a snake, if it is injured he is unable to treat the snake. Poor snake! What would I do if I were a snake and I was injured and a snake catcher caught me but was unable to treat me and I had to wait for a vet to treat me? I did not like that idea at all. I want the snake to be fixed, cured and treated, and sent back into the wild where it deserves to stay, safely.

I want to touch on that. Snake catchers play an essential role in safely removing snakes from human habitats and releasing them back into their natural habitats. However, being able to treat snakes is also an important skill that several snake catchers have, and it is critical for several reasons. Firstly, when a snake is caught, it may have injuries or illnesses that need to be treated before releasing it back into the wild. Without proper treatment, these snakes may not survive or may become a danger to other animals and humans.

Secondly, snake catchers may encounter snakes that are injured or sick in the wild. Being able to treat these snakes can help prevent them from suffering and ensure their survival. Thirdly, snake catchers who can treat snakes may be able to educate the public on the importance of snake conservation and the role that snakes play in the ecosystem. By demonstrating their ability to care for snakes, they can help to dispel the myths and fear surrounding snakes and promote their conservation.

Overall, the ability to treat snakes is an important skill for snake catchers to have, as it can help to ensure the survival of individual snakes and promote the conservation of snake populations. We all want that; right? I do, anyway. Snake catchers who possess the skill and knowledge to treat injured snakes play a vital role in safeguarding the welfare of individual snakes and promoting the conservation of snake populations, ultimately contributing to the health and balance of our ecosystems.

That is all I wanted to say. I again thank Dr Paterson for moving this very important motion for our beautiful snakes in the wild.

**DR PATERSON** (Murrumbidgee) (4.51), in reply: I would like to thank colleagues very much today for your support of this motion. I thank Minister Vassarotti for sharing her phobia. It is a shame that the Steve Irwin immersion did not work in easing your phobia! Thank you, Ms Clay, for raising the netting issue. Who knew that Ms Kikkert was such a fan of snakes? Thank you, Mrs Kikkert, and thank you to Ms Lawder for your words in respect of the motion.

I hope that Canberra snake catchers can breathe a sigh of relief tonight. We are on their side. To Canberra's snake catchers—particularly to Gavin, and to Alex Borg, who was unable to be here today—your work and advocacy for the slithery friends that you love has been outstanding and you should be very proud of what you do. I am sure that I speak on behalf of most of the people that you have received calls from to save them from snakes in their house. A massive thank you, and we really appreciate your service. Thank you to members today.

Question resolved in the affirmative.

## **Appropriation Bill 2022-2023 (No 2)**

Debate resumed from 9 February 2023, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (4.53): The opposition will not be supporting this bill, because it is an appropriation bill that continues to take Canberra in the wrong direction. It is a bad appropriation bill from a bad government.

It is always interesting to hear from the Chief Minister how well he thinks he is managing the ACT economy. I am sure we will hear more of it today—we hear it endlessly!—and hear him talk about reducing the deficit.

If you look at the budget review papers, there is an improvement there under the headline “Net operating balance over the forward estimates”. But what the Chief

Minister will not tell the people in Canberra is that, rather than it being a result of some sort of great economic management by the government, it is because Mr Barr's revenue bucket is being topped up with millions and millions of dollars in increased tax revenue that he is collecting from Canberrans!

What this budget review shows is that every Canberran is paying more tax. Small businesses, employees, renters and homebuyers will all be paying more tax to Mr Barr over the forward estimates.

The revised figures show that revenue collected from land tax will increase by nearly \$60 million over the forward estimates; revenue collected from payroll tax will increase by \$205 million over the forward estimates; revenue collected from commercial conveyancers will increase by nearly \$50 million over the forward estimates; and, to add insult to injury, revenue collected from stamp duty will increase by more than \$23 million over the forward estimates—and that is a tax that the Treasurer promised he was going to abolish in his tax reform agenda!

You may well remember that tax reform agenda. That was done from the Quinlan review. Ted Quinlan, a former Treasurer in this place and a bit of a mentor to Mr Barr, is famous for his quote, "Tax them until they bleed but not until they die". Mr Barr is a good student. He has taken Mr Quinlan's quote and, by God, he has implemented that on the people of Canberra! He is very good at taking money out of Canberrans' pockets and putting it into the government coffers.

But it gets worse. By 2025-26, Canberrans will be paying over \$520 million a year in interest on Mr Barr's borrowings. That is \$1.4 million a day just to pay off the interest bill that this government will have racked up.

So we have hundreds of millions in extra tax dollars being paid by Canberrans, but what are we getting for it? What are we getting for it, members? I will tell you what we are getting. We are getting a health system that is in absolute disarray. As the *Canberra Times* editorial of Saturday said, "There are systemic failures across the ACT health system on a depressingly regular basis." On almost every statistic—for example, in the emergency department, and we just had a debate on colonoscopy and endoscopy—this is a health system that is failing. Elective surgery waiting times are outrageous.

But we know why, do we not? It is because in 2011 this government put money into the budget to rebuild the Canberra Hospital—\$41 million into the budget, with \$375 million into the out-years—and then they got into government with the Greens after the 2012 election and ripped that money out of the health system and put it on the tram! We are all scratching our heads while the health system is in a crisis! These are deliberate decisions that have been made by this government that we are paying the price for now.

The Minister for Health was spruiking the wonders of what is happening at the Canberra Hospital. It is negligence personified to come into this place and spruik a building that is a lesser building than the one that was proposed by Katy Gallagher over a decade ago that this government cancelled. It is shameful!

We are seeing increased bullying in our schools. Indeed, principals in Canberra are the most harassed, the most bullied and the most assaulted in Australia. We saw in the paper only yesterday that, at Margaret Hendry School, about 50 per cent of students do not feel safe and half the teachers do not think the kids are getting a good education. We saw in the paper just in the last 24 hours yet another damning indictment on the delivery of services by this government.

No doubt, we will hear from Mr Gentleman: “Oh, you are not supporting this budget. You are not supporting the police budget.” Firstly, I do not support it when they rip \$15 million out as they did previously. You put \$34 million in the budget for 69 new staff. The question I have is: where are they? Where is that money? Maybe Mr Gentleman can speak to this appropriation bill and tell us where the money went and where the staff went, because the data shows that we have fewer staff now than we did a decade ago when the Greens got into the power-sharing. So why would we support Mr Gentleman and his budget lines promising more staff when, if you do a little bit of an audit of that through the Productivity Commission, you find that you actually have fewer staff? Where have they gone?

We have fewer public housing dwellings than a decade ago, while we are facing a housing crisis. We have roads riddled with potholes and footpaths that are cracked and broken. Everywhere you go in this town, people say, “The town looks run down”—and it is. And we have an ever-increasing interest bill.

Instead of saying, “We have a bunch of problems, we have a lot of debt, we have a lot of deficit, we have people waiting for health treatment longer than anywhere else, and we have all these problems at Dhulwa”—which we talked about today—“What are we going to do about it?”, they say, “Let us spend billions on a tram that is slower than the bus.”

We do not quite know what the cost of 2A and 2B is, but it is billions and billions. If you extrapolate that, if it ever goes to Belconnen or anywhere else, we are potentially talking about lots of money that should be invested in education, in health, in the police and into city services, but is instead being put on a mode of transport that is slower than the bus. The tram will take 30 minutes to the city instead of 15 minutes with a car or bus. We know that they will cancel all the rapid services, because they did that in Gungahlin. Not only will we have to pay billions for this but we are going to spend a decade in traffic jams. We did not used to have those traffic jams back in the day, and then they started doing the tram works and now it takes a lot more time to get into the town from the south.

Canberrans are suffering. They are suffering because they are paying more tax, more rates, more fees, more charges and the highest rents in Australia. Can you believe it—the highest rents in Australia? Do we have the highest level of homelessness as well, Mr Parton?

**Mr Parton:** Close to.

**MR HANSON:** Close to!—bad enough. This is not by accident; these are deliberate choices. Every time we come in here and we debate a budget like this and we decide that we are going to divert money away from essential services and we are going to

put it on trams and we are going to squeeze Canberrans even harder and squeeze businesses—get their money and ‘squeeze them until they bleed but not until they die’—there is an impact. It is not like we are paying off the debt. That is going to be a legacy for our children and our grandchildren.

My understanding is there is no surplus. Is there a surplus forecast in the forward estimates? Have we found one? Is there a surplus somewhere we can see out there? My understanding is that every other state and territory is forecasting a surplus at some stage. They have not given up on the dream of delivering surplus—like Mr Barr and his colleagues have given up.

**Mr Parton:** They have a different dream.

**MR HANSON:** They have a very different dream. The problem is that their dream is a bit of a nightmare for most Canberrans!

So we will not be supporting this very bad government. This budget today is just a symptom. On so many statistics, this is the worst government in Australia. Just read the *RoGS* report. If you stop listening to their spin and look at *RoGS*, look at NAPLAN, look at the comparative data in the AMA reports or the AHOW, you will see that, on so many aspects, this is the worst government in Australia.

When did that decline really start kicking? I will tell you when it was. It was 2012, when Mr Rattenbury forced this government to scrap the hospital and build his tram! Since then, you can see a nosedive in the statistics across the board—in health, in education and in police. It is across the board. There is a Green shadow across the government. We saw that today in the vote of no confidence.

So we will not be supporting a budget that is taking this town in the wrong direction.

**MR RATTENBURY** (Kurrajong—Attorney-General, Minister for Consumer Affairs, Minister for Gaming and Minister for Water, Energy and Emissions Reduction) (5.04): I rise to speak very briefly in support of the mid-year budget review. I particularly want to focus on elements that are in my portfolio and highlight some important initiatives.

I particularly want to speak to the Rent Relief Fund, which is put through as part of this package of expenditure. We know that many Canberrans are doing it tough at the moment. We are seeing increasing cost-of-living pressures for a range of reasons. I am sure those opposite would probably want to blame them solely on the ACT government, but we all know that there is a whole range of pressures—rising interest rates, increasing fuel costs due to geopolitical pressures and a range of other factors, including the costs driven by increasing fossil fuel prices.

Whatever the reasons, we know that the higher cost-of-living pressures and rising costs of rent are having an impact on many Canberrans. That is why we are re-establishing the Rent Relief Fund, to provide financial assistance to members of our community experiencing either rental stress or severe financial hardship.

The fund will provide eligible recipients with grants for up to four weeks rent capped at \$2,500. The total fund is \$700,000 of relief to renters. It is very similar to the model

that was established during the COVID period. We obviously recognise the particular circumstances there, but the model did work quite effectively to support people who were having difficult periods in their tenancy.

Given the significant pressures that people are facing at the moment, the government has recognised that and re-established this fund to support those individuals and those families and groups. Applicants approved under the fund will also be offered support services where appropriate to help them manage their tenancies over the long term—and I will come back to that.

The Justice and Community Safety Directorate has now finalised the procurement process and Care financial services will administer the funds. I would like to thank Care financial for administering the fund on behalf of the ACT government. They administered the previous Rent Relief Fund, during the COVID period, and we received strong, positive feedback from the community on how they managed this initiative, due to not only their financial literacy but also how they engaged with the community.

This is part of that broader package of services. As members will know, Care does provide a financial counselling service and, in many cases, where they were engaging with people to provide the funds for financial support previously, they were also able to offer some of the broader services they can help people with, including budgeting, financial support, financial advice and a range of other matters. So, whilst it is not obligatory for recipients to receive those other services, the feedback we had is that many did find it really beneficial through that model as operated previously. Applications for the fund will open on 17 April and the fund will be available until 30 June 2024.

The Rent Relief Fund is, I think, a good example of this government's commitment to relieving cost-of-living pressures for Canberrans. It recognises the circumstances so many in our community are facing, and it is in addition to the many other measures that the government has taken, such as passing the Residential Tenancies Legislation Amendment Bill last week, which has put an end to no-cause evictions to strengthen tenants' security of tenure.

I think this is a clear example of this government listening to community feedback, of understanding what is happening on the ground and acting both in terms of a legislative change to ensure good support for our tenants and providing financial support to assist those in need.

There are many other elements to this mid-year budget, but I am pleased to particularly highlight this one and indicate the Greens will be supporting the mid-year budget appropriation today.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services) (5.08): I am proud to speak in support of the second Appropriation Bill for the 2022-23 financial year. This appropriation bill, once again, shows that this government is committed to investing in the safety and protection of the ACT community and the ACT Public Service.

The ACT government has committed, through this bill, to strengthening the capability of ESA volunteers to respond to high-risk weather events. The commitment of funds by the ACT government will increase capability and operational response for volunteers, in turn ensuring the safety of the Canberra community.

We have seen increases in the frequency and severity of high-risk weather events that continue to highlight the need for modernised equipment and personal protective gear for the volunteer first responders. Volunteers will directly benefit from this investment in their equipment and personal protective clothing, maintaining the ACT's position as the leader in the sector nationally.

Additionally, funding provided in this bill will support a one-off purchase of a remote piloted aircraft or drone to allow for more accurate field intelligence reconnaissance and community assessment of hazards. This drone capability will provide real-time information at critically low access points and enable improved situational awareness for emergency responders.

The appropriation bill also provides funding for the establishment of a team within ACT Policing to reinvestigate sexual assault cases which have not previously progressed to charge. These cases have been identified via a review by a cross-agency task force in accordance with recommendation 15 of the *Listen. Take action to prevent, believe and heal* report of the Sexual Assault Prevention and Response Reform Program Steering Committee. This work is ongoing, and the next stage of implementing recommendation 15 is to reinvestigate sexual assault matters identified from the review process. The funding allocated in this bill will allow this to take place.

As the Canberra community grows, the capability for ICT solutions to support emergency preparedness, response and recovery must also grow with it. The appropriation bill also provides continued support for the ACT Emergency Services Agency ICT strategy. This includes identifying future ready systems used by the triple-zero communications centre as well as solutions for mobile devices used by responders in the field.

Additionally, funding provided in this bill will facilitate a crucial body of work to build on the ESA future ready enterprise architecture review. This will enable the ESA to ensure their ICT operating model meets the current and future needs of the Canberra community without compromising capability.

I am also pleased to advise members of two measures funded through this bill that will strengthen the rehabilitation capability in the ACT Public Service as well as promote safe and secure employment in the ACT. Since the ACT government moved to self-insure its workers compensation arrangements just over four years ago, steady progress has been made to improve workers compensation, rehabilitation and return-to-work experiences for ACT government employees.

Approximately 1,200 public sector employees are being supported after a work-related illness or injury at any one time by a combination of staff employed by the ACT government and third-party claim managers and rehabilitation providers. While work, health and safety is always our priority to prevent injuries from occurring, unfortunately, incidents and accidents are not always avoidable. The government is

committed to supporting our workers to recover and return to work with a range of early intervention and rehabilitation services.

The first measure funded under this bill will deliver on this government's commitments to insource public service services by creating new public sector roles to provide work rehabilitation services to our employees. This initiative provides for the creation of five new specialist roles to provide expert services to support an employee's recovery and return to work where required. They work within workplaces and health providers to identify and address any risk factors to ensure a successful return to work.

These services are currently provided to the ACT government via a third-party consultant through an industry panel. Funding provided by this bill provides an opportunity to develop an insourcing model to deliver improved services to ill and injured workers. We anticipate greater efficiencies through more streamlined services and reduced costs over time.

The insourcing arrangements have been informed by considerations about how the whole community can be better supported by the ACT Public Service. The government's approach to insourcing includes broad considerations such as economic costs and benefits, social costs and benefits, environmental costs and benefits and the public interest.

We know that work plays in an important role in recovery from illness and injury, and there are benefits to being supported to return to work as soon as possible. As a signatory to the Royal College of General Practitioners' Health Benefits of Good Work framework, we are committed to providing healthy and safe workplaces that contribute to wellbeing. Having a team of rehabilitation providers in-house will build capacity and capability in quicker response times and the ability to meet the unique rehabilitation needs of the ACT government workforce.

The initiative also promotes safe and secure employment in the private sector by providing for the ACT public sector workers compensation claim management provider, EML, to engage an additional 10 ACT-based permanent staff, commencing in 2023. The work to be performed by these new ACT-based roles is currently being done by EML workers in other jurisdictions. Moving these roles to the ACT benefits the economy and boosts local employment.

I look forward to updating members on these initiatives as we progress, and I commend the bill to the Assembly.

**MS VASSAROTTI** (Kurrajong—Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services and Minister for Sustainable Building and Construction) (5.15): I rise to speak in support of Appropriation Bill 2022-23 (No 2), and I would particularly like to note a key initiative that is contained within this bill that will provide vital support to some of our most vulnerable community members.

As all members in this chamber know, we are experiencing a housing affordability crisis. The economic and community impacts flowing from the global pandemic



continue to create significant and increased demand for housing and homelessness services in the ACT, along with a rise in complex needs among people accessing these services. With many people experiencing housing stress, specialist homelessness services are providing support to more and more people needing assistance.

In recognition of these challenges faced, I am really proud that the ACT government is providing an additional \$2.6 million so that Canberrans in need can access crisis accommodation and support services, including people with high and complex needs and those escaping domestic and family violence.

By providing additional crisis accommodation and wraparound supports for their personal circumstances, including help to transition to longer-term accommodation, this funding will provide continued support for Canberrans at risk of or experiencing homelessness. The additional funding will enable accommodation and client support initiatives to continue through to 30 June 2023.

Demand for homelessness services and the type of demand continues to evolve, with more families than individuals seeking crisis accommodation. The additional funding ensures the continuity of these crisis accommodation services for those most in need while the government works to a new homelessness service delivery system that is flexible, responsive and culturally appropriate to new and emerging needs.

In this we are working to achieve our shared aspiration that everyone has a decent home and to ensure that homelessness is rare, brief and nonrecurring. The additional funding provides continuity. The task of providing suitable longer-term housing does remain difficult, with persistent homelessness presenting as an ongoing issue.

As we put aside the particular acute crisis that COVID created across Australia, we know that we are still experiencing a housing affordability crisis, because housing is treated as a commodity, not as a social good—not as a home. But here in the ACT we have been consistently investing more in the specialist homelessness service sector to support those who are at the acute end experiencing homelessness as well as building more and better public housing.

While there is no acceptable level of homelessness, we are seeing that investments are making a difference. In recent figures, we have seen the ACT having the second-lowest rate of homelessness and rough sleeping per 10,000 population in Australia. The government continues to work with the ACT homelessness services sector as part of a strategic partnership to plan for the future of homelessness service delivery and contracting arrangements post 30 June 2023. These investments enable us to continue the work that is happening already.

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors) (5.19): I rise to speak today on a number of initiatives within mental health and youth justice in the 2022-23 budget review.

Through the bilateral agreement with the commonwealth government, an early intervention service for eating disorders has been established. The early intervention service focuses on promoting help-seeking behaviour and early intervention treatment.

Delivered by CatholicCare, this service is now providing support to people—often young people and their families—at an earlier stage of their health journey.

The ACT government will also engage in the National Perinatal Mental Health Check initiative, which will support enhanced digital capture of perinatal mental health screening data collected from public antenatal and postnatal care settings, through universal screening, data collection and the establishment of a national dataset.

For anyone who has needed to access the Child and Adolescent Mental Health Service in recent years and for staff who work there, I am very happy to say that this government has allocated funding to a relocation of this service to new premises. While I have always loved the iconic architecture of the Callum Street offices—or, as I have been referring to them for the past quarter of a century, the space station offices—it is a building that has outlived its suitability as a place to deliver healthcare services to children and young people. I am very much looking forward to making an announcement soon about the new location.

We have learned a lot over recent years about the diversity of ways in which quality mental health care can be supported and the unique value that lived experience can bring to the work of professional mental health care. Research shows that peer mental health workers support a more speedy recovery and that this is empowering for both peer mental health workers and people receiving care. KPMG has reported that the return on investment for the paid peer workforce is \$3.50 for every dollar invested. Developing the peer mental health workforce will be supported through the appointment of a director of lived experience.

We also see the continuation of funding for Safe Haven in Belconnen, which has already demonstrated great success in supporting people experiencing a mental health crisis as well as providing rewarding employment opportunities for our skilled lived experience workforce. Funding for Safe Haven in Belconnen will continue for three years from 2023-24.

As a new service, there will be an evaluation of the Belconnen Safe Haven. I hope that this evaluation will inform the best possible implementation of future Safe Haven services in Canberra, including one at the Canberra Hospital, as was envisaged by the co-design team around two years ago. That co-design team included people with lived experience.

It is wonderful to see this ACT government creating opportunities for people with lived experience from the design through to delivery and governance of mental health services in our community. By continuing to work alongside people with lived experience, we will continue to see improvements in our understanding of mental health conditions, their social determinants and how best to support lasting recovery.

From July 2022, we saw an increase in the number of young people in custody at the Bimberi Youth Justice Centre. From an average of 10 people per night in 2020-21, by 5 October 2022 there were 28 young people in custody at Bimberi. This is due to an increase in the number of young people arrested by ACT Police and remanded into custody rather than being granted police bail.

The youth workers at Bimberi are uniquely trained to support young people with challenging behaviours, many of those young people having experienced significant trauma in their young lives. They must be ready to respond immediately to new admissions to the centre 24 hours a day, seven days a week.

While it was our hope that this increase in daily numbers of young people residing at Bimberi in 2022 would be temporary, we needed to be prepared for a sustained increase in numbers and have the workforce capacity to provide safe care for young people. It takes time to recruit and onboard new staff.

While numbers have reduced from 28 young people in custody on 5 October 2022, today we still have 16 young people in Bimberi Youth Justice Centre. Only three of those young people are sentenced. The remaining 13 young people are on remand.

It is my hope that the policy work and service delivery for an alternative to the criminal justice system when the minimum age of criminal responsibility is raised to 14 years will also provide earlier opportunities to support a child and their family experiencing complexities that may lead to engagement in the justice system later in life.

I am also hopeful that the introduction of Intensive Therapy Orders for young people, including those over 14 years old, means more young people receiving support for mental health, drug and alcohol use, homelessness, domestic and family violence and family relationship support.

Working with young people and their families and the ACT government working alongside our community sector who already work with these young people is our best chance of achieving that transformational intergenerational change that we all want to see for young people, for families experiencing ongoing difficulties and for community safety.

I remain as committed today as I was at my election in 2020 to raising the minimum age of criminal responsibility to 14 years, without exception. I recognise the strong evidence from around the world that young people should not be engaged in the criminal justice system before this age and that we can change lives not just for that young person but also for future generations of their family, by providing health and social services support rather than a criminal justice approach to children and young people who engage in harmful behaviour.

This appropriation bill includes funding for a frontline service response to support immediately raising the minimum age of criminal responsibility to 12 years once legislation is passed.

There is also funding for the ongoing work to prepare for wider service system changes to support earlier engagement, a flexible approach and integrated case-managed support for young people and their families up to 14 years old. This will enable the implementation of a raised minimum age of criminal responsibility to 14 years through that same legislative change, and will do so in a way that improves community safety by providing effective alternative services for young people and their families.

I continue to be committed to raising the minimum age of criminal responsibility to 14 years, but I am also deeply committed to implementing this important reform through a true co-design process where ACT government agencies, including the Community Services Directorate, the Justice and Community Safety Directorate, the Office for Mental Health and Wellbeing, ACT Health, the Education Directorate, and ACT Policing work alongside community sector advocates and service delivery agencies to plan for a better future for our children, their families and the safety of everyone in our community.

I thank community sector advocates and service providers for their patience and their willingness to work with us on these reforms, including the Children and Young People Commissioner and Youth Coalition ACT.

With these additional investments in mental health and youth justice services for children and young people and their families, I am very happy to see the continued progress of the ACT Greens in this government towards our commitment in the Parliamentary and Governing Agreement. I commend this bill to the Assembly.

**MS CHEYNE** (Ginninderra—Assistant Minister for Economic Development, Minister for the Arts, Minister for Business and Better Regulation, Minister for Human Rights and Minister for Multicultural Affairs) (5.26): I am pleased to speak in support of this appropriation bill. The budget review invests in the arts and heritage to work towards the government's ambition to be the arts capital of Australia. This budget review secured \$7.9 million for major heritage restorations and critical building upgrades at Gorman Arts Centre to celebrate the site's centenary in 2024. Following the federal government's commitment of \$5 million in its October budget last year, this brings the total investment in this important project to just shy of \$13 million.

The much-loved Gorman House Arts Centre will undergo comprehensive renovations to ensure that it can continue to support and inspire the next generation of artists in Canberra while respecting the rich heritage of the building. Funding will go towards critical building upgrades, including improving theatre and performance spaces, and enhancing accessibility, safety and energy efficiency. This investment will enable further upgrades to conserve heritage values and improve functionality at the centre. It will deliver fit-for-purpose, safe and inclusive workspaces for artists at different stages of their careers across disciplines and genres, as well as spaces for the community to experience art and arts activity.

We are looking forward to continuing to work closely with artists and the community. Resident artists and arts organisations have provided advice onsite on space, functionality, art form, specific requirements, and their needs and ambitions as an arts community. We look forward to celebrating the centenary of this important heritage-listed building in late 2024.

The government is also ensuring that the historic Lanyon Homestead can be enjoyed for many years to come. On top of funding in the budget last year, an additional \$3.9 million will go towards upgrading key access roads, conservation works on buildings in the shearers' precinct, and converting sleeping quarters buildings into artist spaces.

In close consultation with the heritage architect and materials conservator, the ageing roof and gutters are being replaced to ensure that the homestead is watertight and protected against a changing climate. Other works include restoring water-damaged ceilings, timber repairs and minor replacements, masonry repairs, repairs to the concrete steps, and rectifying minor damage to ageing tiles. The homestead will also be painted inside and out to its original colour scheme.

This significant investment in conservation and ongoing upgrades of the Lanyon property will allow the Cultural Facilities Corporation to continue to lead the way in heritage and environmental management while creating greater opportunities for Canberrans and visitors to appreciate the history and heritage of the ACT. Both of these initiatives reaffirm this government's commitment to a thriving arts and cultural sector.

Within my human rights portfolio, members will know that Victim Support ACT provides services to victims of crime, to promote their recovery and continued participation in the social, economic and cultural life of our community. Testament to the invaluable support provided, victims of crime have approached VS ACT in unprecedented numbers recently, and they are helping more community members than ever before.

This budget review provides \$8½ million for the victims of crime financial payments to meet additional payments for victims of crime. The financial assistance scheme acknowledges the harmful effect of crime and assists victims to recover through three types of payments, including the immediate needs payment, which assists with urgent medical and safety expenses, payments to cover economic loss, and recognition payments which acknowledge the trauma experienced by victims.

The government will also be expanding VS ACT's ability to support family members of victims whose death has resulted from a culpable driving offence. These investments will enable VS ACT to continue to assist victims of crime in their recovery.

Finally, \$1 million will be spent over four years to establish an independent office space for the Aboriginal and Torres Strait Islander Children and Young People Commissioner. This is consistent with what we heard during the co-design process with community. Following the passage of the legislation to establish the commissioner last November, the government has been working hard to get this office up and running, and I am pleased that the recruitment process is underway.

This budget review invests in upholding our human rights and in promoting the arts and heritage in our city. I commend the bill to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Skills, Minister for Transport and City Services and Special Minister of State) (5.31): I am pleased to support this appropriation bill, which follows the budget review 2022-23.

The ACT government is significantly increasing funding for road maintenance, to \$153 million over the next four years, in a new strategic maintenance program to

repair and preserve Canberra's roads for a generation. The new strategic maintenance and renewal program, which was reflected in the budget review, provides a record level of funding to support road maintenance for better, safer and smoother ACT roads. Increased investment in the program will now see resurfacing on the network grow by 268,000 square metres a year to cover an area of 1.26 million square metres resurfaced each year going forward, concentrating on arterial and collector roads.

Our new road maintenance program represents a 52 per cent increase in expenditure on road maintenance to deliver the good road conditions that Canberra drivers expect. We are not just investing in maintaining our existing road network; we are also expanding it. There are further decisions made in the budget review which will support the efficient movement of freight, cyclists, public transport and private vehicles around our network.

In Belconnen, the duplication of Gundaroo Drive is on track, following the completion of the first stages of the duplication in Gungahlin. Stage 1, between the Barton Highway and Chuculba Crescent, and stage 3, between Ginninderra Drive and Baldwin Drive, are already complete, with all lanes open to traffic. Work continues apace on a new bridge and intersection at Owen Dixon Drive, with traffic expected to be switched over from the old to the new bridge in the coming months. The project is expected to be completed by the end of this year.

The government also continues in successive budgets to invest in major infrastructure projects for our growing city, including building the Molonglo River bridge. Last month we announced the awarding of the detailed design and construction contract for the Molonglo River bridge and approach roads, which is one of the largest bridge projects in Canberra's history. It will transform the Molonglo Valley, better connecting the suburbs of Denman Prospect, Coombs, Wright and Whitlam, as well as the future suburbs in Molonglo 3, which are yet to be named, with Belconnen, Woden and the rest of Canberra. Of course, it includes 1.7 kilometres of new arterial roads leading to the bridge, including intersections which will connect in to the future Molonglo commercial centre.

The ACT government is also making a record investment to deliver the world-class public transport network that Canberrans deserve, with a mass transit system in light rail linking the north and south of our city, integrated with zero emissions buses running to the suburbs.

As part of light rail stage 2A, we have purchased five more light rail vehicles, to be progressively delivered from 2024, and an expansion of the light rail depot at Mitchell to ensure the ongoing maintenance of the larger fleet. The existing 14 light rail vehicles will be retrofitted with the onboard energy systems that they require to move through the wire-free component of stage 2A and beyond, down to Woden.

Transport Canberra's bus fleet is growing, and we are also transitioning that bus fleet to zero emissions by 2040 or earlier. The appropriation in the budget review supports funding required to engage Evoenergy to undertake critical electrical infrastructure works to supply our depots at Tuggeranong and the new depot at Woden with the energy required to house and charge up to 300 battery electric buses. With all 12 electric buses now registered and serving the public, this \$26.3 million investment

locks in the supporting electrical infrastructure required to operate the future 90 electric buses, which are currently under procurement, as well as further buses that the government will purchase in the future.

The ACT government is also making investment to support the introduction of the Urban Forest Bill, which is being debated this week—a new legislative framework for the management of trees in the ACT to protect, expand and renew Canberra’s urban forest. This includes implementing a new digital platform to manage the urban forest act, once it is passed, with the support of the Assembly, and its ongoing operations. Funding of \$250,000 in capital has been provided to support this transition. We are looking forward to that being implemented to protect more trees across the territory.

Our record investment in roads, public transport and our urban forest is about ensuring that Canberra remains one of the most liveable cities in the world, as it continues to grow and mature. We are focused on the Canberra of tomorrow, and on the long-term future and liveability of our city, and our government is delivering. I commend the bill to the Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (5.36), in reply: I thank my colleagues for their contribution to the debate, confirming the usual positions on fiscal policy. Mr Hanson has not changed one iota in the seven years since he was last given a spokesperson role on matters financial.

**Mr Hanson:** You love to tax. Consistency. Marks for consistency.

**MR BARR:** We get another lecture, Madam Speaker, on how the budget must be balanced and then returned to surplus but without any extra revenue.

**Mr Hanson:** You just don’t do a tram, mate. That helps, doesn’t it?

**MR BARR:** That would make no substantive difference to your fiscal position, Mr Hanson, because you then went on to say you would instead spend the money on all these other things. In the end, there is no net improvement in the fiscal position, according to the Hanson formula. So you are—

**Mr Hanson:** Did I say we would spend it all?

**MR BARR:** So you have now confirmed that you would spend less—

**Mr Hanson:** Is that what I said?

**MR BARR:** You just indicated that.

**Mr Hanson:** You are making it up.

**MR BARR:** No, no. I am always happy to give Mr Hanson enough rope on fiscal policy, because, in the end, the formula—and the alternative government’s position, as outlined by Mr Hanson in his contribution to this debate—is less spending in most areas of public service delivery. Then they would seek to achieve a budget balance or surplus by spending less. It is the austerity approach.

By voting against this appropriation, the Canberra Liberals are voting against the cost-of-living pay increase to 27,000 ACT government staff. By not supporting a pay increase for public sector workers, they are effectively saying that there should be a wages cap applied across the public sector. This Appropriation Bill funds the government's enterprise bargaining offer, effectively. What it will do, when it passes in the not too distant future, is appropriate the funds to deliver the government's enterprise bargaining offer. The Canberra Liberals are opposing that. They are opposing a pay increase for ACT public sector workers. For every single ACT public sector worker, their cost of living payment, their pay increase, their superannuation increase—all opposed by the Canberra Liberals, through Mr Hanson's speech this afternoon. So I think that is clear—

**Mr Hanson:** You are making it up.

**MR BARR:** You vote no to this Appropriation Bill and you are voting no to a pay increase.

**Mr Hanson:** It is a bad approach. That doesn't mean we don't support the pay increase, does it? It's a bad approach. Other stuff in it is bad, like the tax increases.

**MADAM SPEAKER:** No need to respond to the interjections.

**MR BARR:** Mr Hanson can continue to try and back-pedal out of what he has just committed the opposition to do, and the vote that they are about to cast against the pay rise for public sector workers and the vote that they are about to cast against rent relief for struggling households and the vote—

**Mr Hanson:** The highest rents in Australia you, are delivering out of this.

**MR BARR:** that they are about to deliver to say no to new expenditure in a range of important areas that have been outlined by my colleagues. In the end, it is more of the same from the opposition: the same fiscal policy, the same political strategy from 2016 and 2020. I do not mind them continuing that. It is a pretty clear difference, isn't it, between this side of the chamber and that side on fair pay for ACT public sector workers, on investment in public transport, on investment in public health and education and on investment in growing our economy, which they are also voting against. The only thing missing from Mr Hanson's contribution was a lecture on how the government needs to diversify the economy more.

**Mr Hanson:** Yes; this is true.

**MR BARR:** He even owned up that he did not hit on that, because of former shadow treasurer Brendan Smyth—

**Mr Hanson:** If you give me leave, I can have a go.

**MR BARR:** I am nearly tempted, Mr Hanson.

In closing, I thank those members who will support the second Appropriation Bill, because they are voting to support a pay increase for public sector workers, they are



voting to support our continued economic recovery, they are voting to support the implementation of the commitments that we took to the 2020 election, and they are voting in support of the parliamentary and governing agreement commitments and the ongoing delivery of services and infrastructure to make our great city an even better place to live. I commend the second Appropriation Bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 14		Noes 7
Mr Barr	Dr Paterson	Mr Cain
Mr Braddock	Mr Pettersson	Ms Castley
Ms Burch	Mr Rattenbury	Mr Cocks
Ms Cheyne	Mr Steel	Mr Hanson
Ms Clay	Ms Stephen-Smith	Mrs Kikkert
Ms Davidson	Ms Vassarotti	Ms Lawder
Mr Davis		Mr Milligan
Mr Gentleman		

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Appropriation (Office of the Legislative Assembly) Bill 2022-2023 (No 2)**

Debate resumed from 9 February 2023, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (5.47): Madam Speaker, we will support this bill.

*Members interjecting—*

**MR HANSON**: You probably have the numbers. The Canberra Liberals would like to place on record our thanks and appreciation to the hardworking staff of the Office of the Legislative Assembly. I am sure we would all agree that you keep this place, and keep me and indeed keep all of us, on track. I would also like to acknowledge the work of the Integrity Commissioner, the Electoral Commissioner and the Auditor-General. These officers play a crucial role in supporting ongoing efforts to guarantee good governance. It is a tough ask, but that is what we are all here for, on behalf of the people of the ACT, and we will support this bill.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism) (5.48), in reply: This is a straightforward bill. It provides for the appropriation of additional funds in the current fiscal year of \$711,000. These are for employee expenses—that is, covering the pay rise for the Office of the Legislative Assembly officers of the Assembly, the Integrity Commissioner, the Auditor-General and the Electoral Commissioner. So those opposite are prepared to vote for a pay rise for that group of hardworking ACT public servants but not the others! It is telling, Madam Speaker, but I commend this bill, like I did the last one, to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Minister for Health—conduct**

**MR HANSON** (Murrumbidgee) (4.49), by leave: I move:

That this Assembly:

(1) notes:

- (a) On 23 March 2023 Ms Castley asked a question of the Minister for Health as follows—

“Mr Assistant Speaker, my question is to the Minister for Health. Minister, if private, personal information has been provided to a union in one area of the health system over a number of years, what evidence can you provide to show that this has not occurred in other areas across the health system?”;

- (b) the Minister answered as follows—

“I thank Ms Castley for the question. There is absolutely no evidence that this has occurred in any other area of the health system. I would encourage the opposition to not engage in these scare tactics which will only create concern for people who are accessing our health services. What I can say as well to Ms Castley is that the recent implementation of the Digital Health Record has resulted in a step change in the security of health records and the traceability of any access to those records and any downloading or sharing of those records. So data export capabilities in this system, which has replaced 40 other electronic and paper based systems, are tied to the role-based model to control and the strict reporting capabilities out of the Digital Health Record. That is a step change in ensuring that patient data is protected and that if anyone were to be trying to use, download or share patient data in an inappropriate way, that would be much more easily identified and tracked.”; and

- (c) that, in question time today, the Minister advised that a nurse in another area of Health other than Dhulwa had in fact inappropriately provided personal medical information to the Union; and
- (2) calls on the Minister for Health to apologise for misleading the Assembly.

I will endeavour not to take up too much time. The matter before us—and I have provided the words in the motion that I have circulated—is a pretty straightforward one. We have been trying to get information out of this government about what has been going on in the health system with people’s personal information, and it has been excruciating. Let me quote from the *Canberra Times*:

This whole sorry matter only became public via reporting by *The Canberra Times*. Despite some claims to the contrary since that reporting, we should have no faith that anyone in government ever wanted it to be more public ...

Since then, there has been a confused release of small pieces of information, blocking of requests for others ...

There was a pretty straightforward question asked by Ms Castley in this place, and it is there before you. She said: “There has been ongoing release of information over a number of years in one area of Health of private data to the union. Has that happened elsewhere?” There was a pretty straightforward answer; we got a categorical “no” from the minister.

We took that in good faith. We thought, “We’ve asked whether a nurse or another medical professional has provided someone’s private data to the union, in another area of Health, as has happened over a number of years, in mental health,” and the minister said categorically, “No, there is no evidence.”

That afternoon Dave Peffer comes out and says, “Wrong.” We found out that there had been a release of data. We then asked a question about it in the Assembly today. We are asking: has there been a release of data by a nurse or a medical professional to the union? We find out that it has happened, even though the minister denied it.

It would have to be only the most technical, deliberate attempt to lie by omission to suggest that the minister was not misleading us. It seems that, the whole way along here, the only reason we know about this is because of what Dave Peffer has told us. That is the only reason we found out about this in the first place, because of the email he sent out. At every single stage when we have asked questions, one of these two ministers has either said, “I can’t answer,” or provided a wrong answer; then Mr Peffer comes out and provides us with the answer.

I do not know whether he has tuned in to the Assembly and thought, “Hang on, they can provide that. They’re saying they can’t provide that data; they can,” and he was providing it, or he is up there saying, “Hang on, the minister is wrong. There was a leak of information from a nurse to the health union.” To suggest that is not a leak of private information—that that is somehow different—is bizarre. It is bizarre and it is misleading in the extreme.

The media has been following all of this. Last week there was an article headed “‘We want assurances’: government pushed on whether patient data breaches have occurred elsewhere.” They updated their story after question time—or during question time, perhaps—as follows:

Updated 3.45 pm: Health Minister Rachel Stephen-Smith has told the Legislative Assembly that there’s “absolutely no evidence” breaches of private patient data have occurred in any other area of Canberra Health Services.

That is what she said. That is what we were led to believe—no evidence at all that it has happened. We then found out later that afternoon that there has been a breach, and we asked about it today. A nurse has leaked private records—personal health records—to the union and has been stood down. But somehow the minister thinks that is different.

In the question, Ms Castley said, “This has been happening over here for a number of years. Has it happened elsewhere?” Because it is “a number of years”, the answer is, “No, it hasn’t been happening for a number of years. It was just happening over here, but not for a number of years; therefore I can lie to you.”

It is pretty outrageous that we come in here asking for information and, at every step of the way, we have two ministers either blocking that information, then Dave Peffer actually releasing it, or a minister telling us one thing and Dave Peffer coming out and explaining it.

Just be more accountable. This is why the media, we and the community are losing faith and trust. Explain what is going on. Just tell us the truth. Just say, “There has been another data breach in another area of Health. It was a nurse to the union. It’s happened, but that was an isolated incident.” To say that there was no evidence of any other provision of information, no evidence that this occurred in any other area of the health system, is plainly wrong.

I would ask the minister to apologise, because in our view she has misled. In the public reporting of this, she has misled. There is another article headed “Effectiveness of Dhulwa inquiry called into question as another alleged data breach linked to nursing union”. It is the way that we have seen it, very clearly. It is the way that any pub test, any reasonable reading of the question and the answer, would take it. For the minister to suggest that there is some technical reason why a nurse leaking private health records to the union in one area of Health is entirely different, and there is no evidence of it at all because it is completely different from nurses leaking data to the health union in another area of Health, is a nonsense.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (5.55): Again, Mr Hanson in his speech, was very colourful. I think he is definitely taking advantage of Ms Lee’s absence to big-note himself in front of his colleagues, and that is great. He might be soon to be acting leader!

In his speech just then, I noticed that he did not actually read out either the question that I was asked in question time last Thursday or the answer. He paraphrased both

and got both wrong. This is an indication of the sloppiness of the opposition. If they want to ask a particular question, they should ask a particular question.

Maybe Ms Castley intended to ask a different question, but the way I interpreted her question—and it is on the paper in front of us—was essentially as two sentences. On the one hand: ‘Private personal information has been provided to a union in one area of the health system over a number of years.’ That is the allegation that is being made. Question: “What evidence can you provide to show that this has not occurred in other areas across the health system?”

I interpreted the first bit of the question “over a number of years”. I would say that is the case. I also did not categorically deny, as Mr Hanson has said, that this has occurred. I did not do that. I would not do that. I said there was no evidence that this has occurred, because there is no evidence that this has occurred. The type of breach—the deliberate provision of detailed health information over a number of years—is a very, very serious charge and allegation, and there is no evidence that this has—

**Mr Hanson:** But that is not in the question. You are making that up. Where is “deliberate”? Where is that in the question?

**MS STEPHEN-SMITH:** I am telling you, Mr Hanson, how I interpreted the question and how I believe any reasonable person would in fact interpret that question. I just want to highlight the difference between the two. I will also quote from the *Canberra Times*—unusual, I know! The *Canberra Times* reported on Saturday 25 March about the second breach, and I quote:

The alleged major privacy breach, described by Canberra Health Services boss David Peffer as “a single one-off breach”—

a very different thing—

is claimed to have exceeded the agreed privacy threshold and led to the senior nurse being stood down.

While details of the breach have not been revealed, it was understood to have been private medical information disclosed to an “industrial partner”.

Mr Peffer said a number of staff across the health service had come forward after he sent an all-staff email about the original patient privacy breach. They reported instances where they thought they may have broken the rules.

So these are people self-reporting, saying, “Oh, my God; I might have done the wrong thing”—again, a completely different circumstance. Back to quoting the *Canberra Times*:

Health had identified one of those cases—the senior nurse—warranting investigation.

Canberra Health Services has described this senior nurse breach as an accidental breach. The staff member identified that there was patient identifying information

contained within their correspondence. CHS has requested that the receiving party delete the patient information, and the staff member self-disclosed as soon as they realised.

They have contrasted this with the circumstance that we were talking about last Thursday, which was full patient records provided without consent over a sustained period of time, including being sent to personal emails. I think those are two very different circumstances.

The second point I would make is that in part (c) Mr Hanson is drawing from something I said today to claim that I misled last Thursday. What Mr Hanson did not bother to ask in question time and may not be aware of is that this nurse self-reported the breach on Thursday afternoon after question time. So that information could not possibly have been available to me during question time. But did they bother to clarify that? No, they did not.

Dave Peffer called me at approximately 5.30 pm to advise of this single one-off breach that the individual had self-reported and the action that had been taken. He then also proactively spoke to the media about the breach, because it was a matter of some public interest at the time.

Then, to Mr Hanson's point about whether or not we are transparent, I stood up at a press conference on Friday at lunchtime with the Chief Operating Officer of Canberra Health Services, Cathy O'Neill, and spoke about both of these matters. We answered the questions the media had and spoke about the differences between the two matters. Ms O'Neill made very clear that they were very different circumstances.

So Mr Hanson is drawing on information that I did not have on Thursday to claim that I misled the chamber on Thursday because of some information that he thinks I had but I did not actually have. He did not bother asking the question to find out, did he? No—absolutely sloppy.

I maintain not only that my answer was correct at the time but also that it remains correct—for the reasons that I have given. But, even if we were to accept Mr Hanson's view that there was an equivalence between the two matters, the fact is that the second matter did not come to light until Thursday afternoon after question time.

So, far from hiding this, Mr Peffer proactively spoke with the media about it on Thursday evening and I spoke about it with the media and answered questions about it on Friday lunchtime, as did Ms O'Neill.

So, again, I say to Mr Hanson that if he has some evidence that the type of activity that CHS identified in relation to the three staff against whom action had previously been taken—this type of deliberate provision of patient records over a period of time to anybody—is occurring, he should report that.

The last thing I would say in relation to Mr Hanson's claims is that I am actually quite diligent about the information that I provide in this place and I have corrected the record here on a number of occasions. If I felt that I had provided incorrect

information, if I felt that there was any chance that I had misled the Assembly, I would be absolutely happy to correct the record and to apologise to the Assembly. I have done it many times before.

But, in this case, I did not mislead and I did not provide incorrect information. Mr Hanson is clutching at the weakest of straws, for some reason that only he can appreciate. I absolutely would encourage my colleagues—and those opposite, in fact, having heard the facts—not to support Mr Hanson’s motion.

**MR DAVIS** (Brindabella) (6.04): I will keep my comments brief in the interests of time—a few things to the macro point that I feel ought to be said that have not yet been said in my capacity. I think the very serious and legitimate concerns held by some members of the opposition, and indeed some members of the Canberra community, around the data breach and around access to private information at Canberra Health Services are concerning. I think these things ought to continue to be subject to appropriate parliamentary scrutiny, as they have been this week.

Having reflected on both Mr Hanson’s motion and Minister Stephen-Smith’s contribution to the debate this afternoon, I think it is safe to say that the Greens will not be supporting this motion. The minister has provided a more than adequate response to Mr Hanson’s motion. In particular, I want to pick up on Minister Stephen-Smith’s last point. Where information has been brought to this Assembly that the fullness of time has suggested might need to be reflected on or edited, I do think Minister Stephen-Smith has had a habit in this Assembly in the past—and I expect she will maintain that habit in the future—that she has been forthright in doing that. I appreciate that. I suspect the parliament appreciates that. We should all appreciate that.

What we are actually seeing here, unfortunately, is the consequence of an Acting Leader of the Opposition with his finger on the trigger of a metaphorical political machine gun, but he is wearing a blindfold. We saw a no confidence motion against Minister Davidson this morning—that was, of course, unsuccessful—that in large part sought to argue many of the same points here.

We saw another typical performance from Mr Hanson in question time today. Minister Davidson was not able to answer a single question from the opposition without multiple interjections from Mr Hanson throughout her speech. Then this evening, in the dying hours of the sitting day, there was a substantive motion accusing the Minister for Health of lying.

I appreciate that the opposition seems enthusiastic, not unlike a dog with a bone. They think they have got something here. I would advise them strongly to continue to do what good oppositions in Westminster democracy should do, and that is to ask probing questions and seek answers to challenging issues that affect our constituents.

*Ms Castley interjecting—*

**MR DAVIS:** Ms Castley, if you do not mind, I will continue. What you are unfortunately dealing with, Ms Castley, is acting leadership of your political party that is much more interested in the personal politics. We saw that in Mr Hanson’s

interview this morning on 666 ABC, where texters and even Ross Solly, the presenter, started his questioning suggesting that Mr Hanson was the boy who cried wolf.

We saw a question time today in which Minister Davidson in particular was not able to answer questions that I trust members of the opposition, members of Mr Hanson's opposition, were asking because they sought answers—because Mr Hanson is unable to help himself but interject over ministers when answering questions. And now, excitedly at the end of the day, Mr Hanson, in a seemingly unprepared and unresearched way, has thought to himself he has the minister on the ropes with this and has decided to go in for the jugular, because that is the kind of personal politics we have seen Mr Hanson bring to this chamber. I expect, disappointingly, it is the kind of personal politics we will continue to see Mr Hanson bring to this chamber in the absence of leadership of your political party.

On reflection, based on Mr Hanson's presentation to the Assembly this afternoon and based on Minister Stephen-Smith's response to the substantive motion, the Greens will not be supporting the motion. I would implore those in the Canberra Liberals, who I want to believe take their role as an opposition seriously and genuinely seek to explore challenging issues of public policy and question decision-makers in this place, to find a way to do that without the kind of brazen personal attacks we have seen in this Assembly today, without the kind of vindictiveness we have seen today towards particular members of this place. This is a very serious issue and, as both ministers have suggested on more than one occasion, is now a police matter as it is so serious.

Mr Hanson, of all people who regularly speak in this place about the value of ACT's police, I would hope that, it would be Mr Hanson who would trust ACT Policing to do their work. Let them do their work and may the opposition get a little bit better at doing theirs.

**MR HANSON** (Murrumbidgee) (6.09), in reply: I will close, thankfully. I do enjoy it when Mr Davis gets up and says, "I think we should stick to the facts of the matter," which I think we have been doing, and then spends five minutes smearing me—"Let us keep the personal political attacks out of it"! I have stuck to the facts of the matter, the substance of the issues, and he spent five minutes smearing me, a little bit like Mr Rattenbury this morning. If you remember, colleagues, he said, "I hate these personal political attacks." He dealt with the substance of the matter for about two minutes before he went on a rant about New South Wales politics, Senator Seselja, and the former federal Liberal government.

The great hypocrisy that we see before us is members standing up here saying, "This is perfectly on track." It is not. This is dealing with substantive issues of ministerial accountability and responsibility. That is our job as an opposition. We litigate these issues, and that is what we are doing here and that is what we did this morning. It is our right and our duty to do that. Standing up and saying, "You are doing that. I am going to spend my time not defending what has happened with the ministers but actually attacking the Liberals," is what Mr Rattenbury did this morning and what Mr Davis has done this afternoon. It is hollow; it is not credible. If you think that there has been no misleading, defend it and explain it, but you have failed to do that.



Let me answer a couple of points here. Firstly, when Ms Stephen-Smith became aware that she had indeed misled this place, that there had been a breach and there had been a nurse that had provided information to the union, as we had asked, she could have come in here and explained it. She just said she does it all the time. Well, why did she not? Why did she not come in here and say, “Members, yesterday I said this has not happened in Australia and that there is no evidence of it happening elsewhere. I have been advised that is not the case. There has been. I correct the record.” Why not correct that? That is the form in this place. She said in her speech that it is what she has done before. That is what we would expect, that would be normal, that is reasonable, and we would get on with our business.

The next point, and this is a bit more tricky from the minister, is—and I provided the words so we could read it; it is all before you—she said the word “deliberate”, but, when she was quoting from Ms Castley's question, she started saying “deliberately”, and then that the other breach was “accidental”. That was never part of the question, nor part of the answer. To be frank, if you are a patient who has had your records leaked inappropriately by someone to the union, I am not sure you care whether it was an accident or whether it was deliberate, or over which period it occurred. The minister has inserted the inflection that it is okay, it was completely different, because what Ms Castley was talking about was something deliberate and this was an accident. That is not what we asked. That is not what Ms Castley said. “There has been a leak of information. Has this happened elsewhere?” The minister said, “No, that is not true.” That is the nub of it.

I notice there is an audience here that does not get to speak but listens to us waffle on about this, so I will keep my comments short now. If there had been a misleading, it would have been a simple thing for the minister to come and correct it. In her speech, she has tried to infer a meaning and insert words that Ms Castley did not infer, and that is pretty rank to be honest. I commend this motion to the Assembly.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 7

Mr Cain  
Ms Castley  
Mr Cocks  
Mr Hanson  
Mrs Kikkert  
Ms Lawder  
Mr Milligan

Noes 14

Mr Braddock  
Ms Burch  
Ms Cheyne  
Ms Clay  
Ms Davidson  
Mr Davis  
Mr Gentleman  
Ms Orr  
Dr Paterson  
Mr Pettersson  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith  
Ms Vassarotti

Question resolved in the negative.

## Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

### **The Hon Brad Hazzard—retirement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Families and Community Services and Minister for Health) (6.15): I rise today to reflect on a colleague's recent retirement: the Hon Brad Hazzard MP, who has served as a New South Wales Minister for Health for the past six years, up until the weekend and his retirement from politics at the recent New South Wales election.

I confess, Madam Speaker, it is not a usual position for a Labor minister to specifically take the opportunity to reflect favourably on a Liberal minister from another jurisdiction; however, Minister Hazzard has been an important part of my life for the past 3¾ years. Indeed, there are only two health ministers left who have been in the job since the start of the pandemic: the other being Northern Territory Chief Minister Natasha Fyles, a fine left colleague—an epithet that Brad is also quite at home with!

I did want to take this opportunity to reflect on a professional relationship and shared experience since I came into the health portfolio in July 2019. The six years that Brad was health minister is but a fraction of his 32 years in the New South Wales parliament—an incredibly long career in which he spent all but a few years on the Liberal Party front bench, including 12 years in government. He brought a wealth of experience, and, at times, frustration with the pace of change to health ministers meetings.

Brad was a tenacious advocate for state and territory health systems, often leading the charge against the former federal Liberal government's cuts and never holding back against colleagues from his own party when his state's interests were on the line. Brad did not pull his punches publicly or privately regarding what he saw as detrimental decisions being taken by the Morrison government and the pressures it put on public health systems around Australia. He also led the push to tackle the huge challenge of vaping and e-cigarettes. Prior to COVID-19 and right the way through to his final health ministers meeting in Brisbane on 24 February, he never let it slip off the radar.

Brad is a progressive—not always aligned with the majority of his own party and certainly not its more conservative elements. In 2019 Brad co-sponsored a bill to decriminalise abortion, and more recently he was instrumental in steering voluntary assisted dying laws through the New South Wales parliament. As the ACT is an island within New South Wales, my personal working relationship with Brad has been critical. He was always a willing partner and a good comrade—which he appreciated as an apt description!—who sought to be fair and equitable in our dealings. I am sure the former ACT health minister, Meegan Fitzharris, would say the same.

It was never a zero-sum game with Brad. I recall in our very first meeting that he encouraged ACT officials to engage with the New South Wales Agency for Clinical Innovation, recognising that New South Wales simply had more critical mass to support substantial activity in this space and that sharing this and learning from one another would make both our systems stronger—also recognising that what was good for the ACT health system was good for so many New South Wales citizens who rely on it. Through his personal commitment and intervention, the ACT and New South Wales were recently able to finalise a cross-border agreement, setting an ambitious road map for a more integrated regional health system where both parties pay their way but are also incentivised to work together for better outcomes.

Madam Speaker, throughout the darkest days and nights early in the COVID-19 pandemic, when we saw the horrors engulfing China, then Europe and the United States, health ministers were at times meeting daily. As the threat spread to Australia, we were, quite frankly, terrified. We had no idea if our governments—acting together thank goodness—had acted quickly enough. In those difficult weeks, and the months and years that followed, the support, empathy and collegiality of my colleagues was a source of great strength and reassurance, and none more so than Brad's.

I wish him all the very best for whatever awaits him. He has been clear it is not simply a retirement—travelling, fishing or playing golf. I thank him sincerely for his friendship and support during some of the most challenging times our health system has ever faced.

On that note, as the new chair of the health ministers meeting, and as ACT health minister, I look forward to welcoming the incoming New South Wales Labor Minister for Health, Ryan Park, as we continue to tackle the challenges and opportunities we face and the reform we must consider collectively to ensure the sustainability of Australia's world class health system. Thank you, Brad.

### **Women—Altitude Awards**

**MS LAWDER** (Brindabella) (6.20): I rise today to recognise the winners of the Altitude Awards over a number of years.

The Altitude Awards are the brainchild of business leader and award-winning entrepreneur Andrea Turner-Boys, the founder of Women With Altitude. When Andrea launched Women With Altitude in May 2012, a network and community to support businesswomen, she noticed a number of her members struggling with their self-belief, motivation and confidence. The Altitude Awards were created to provide encouragement and recognition to businesswomen, and they have since grown to receive applications from across Australia.

Today I am honoured to speak about some of the incredible businesswomen that have been recognised through the Altitude Awards and to have them join us here in the chamber.

In 2018, Kate Seselja was recognised in two separate Altitude Awards for her work with the Hope Project. She received a Brave Award and the Most Inspiring Person Award.

Lisa LaMaitre of Canberra Wise Women and Therapy Masters received the 2018 Strategic Connector of the Year Award.

Moving to 2019, Melanie Greenhalgh from Collective Wisdom Coaching and Consulting received the Brave Award. The Brave Award is an unadvertised category that recognises an individual who may not have won their category but is still a standout in the eyes of the judges.

Kerry Howard received the Business Excellence Award for her efforts in growing PsychNEXUS.

In 2020, Bonnie Weston received the Soaring Micro Award for her micro business, The Avid Organiser.

The Brave Award went to Hannah Taylor from Tutor Canberra.

Abby Rees received the Changemaker Award for PunkPD Pty Ltd.

Finally, in 2020, Rebecca McFarland received the Through the Woods Award for her five-plus years with Pop Your Career and Pop Your Business.

In 2021, Hannah Taylor from Tutor Canberra was awarded the Young Entrepreneur Award.

The Brave Award went to Kirsten Smith and Adele Haussmann from Her Smile.

Kerry Howard from PsychNEXUS was awarded the Excellence in Science and Technology Award.

Sanjay and Sunita Kumar were awarded the Through the Woods Award for their restaurant Daana.

In 2022, there were two recipients of the Brave Award. There was Holly Diggle from Dance Northside and Victoria Pearce from Endangered Heritage.

For the Two Peas Partnership Award, the winners were Kirsten Smith and Adele Haussmann from Her Smile.

The On My Way Award was awarded to Kylie James from Kylie James Coaching.

Thank you to the team at Women With Altitude for all the work you do to connect, support and inspire businesswomen and to help them learn and have fun. Thank you especially to Lisa LaMaitre and her powerhouse team at Women with Altitude Canberra.

## **LGBTIQA+ community—Capital Queers**

**MS DAVIDSON** (Murrumbidgee—Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health, Minister for Veterans and Seniors) (6.23): I would like to share with the Assembly tonight my appreciation for the work done by Doug, Rod and their volunteer crew at Capital Queers for the past 13 years. Capital Queers have organised not-for-profit community floats in Sydney’s Mardi Gras 11 times, providing opportunities for more than 800 members of Canberra’s LGBTIQA+ community to participate, including our own Chief Minister, as well as my fellow #DavoCaucus member of the ACT Greens, Johnathan Davis, who has been participating for the entire time that Capital Queers have been doing this fabulous work.

Doug and Rod have done the planning, fundraising, costume creation, choreography, organisation of rehearsals, setting up of the ute, managing the chaos on the night, and cleaning up afterwards. This work is exhausting. As the ACT minister responsible for volunteers, as someone who has been volunteering regularly with many groups for most of my life, and as someone who believes in radical love, I know why Doug and Rod do this work. They do it because they love and support the LGBTIQA+ community in Canberra.

Let us never forget that Mardi Gras began as a protest, and there is still work for us to do to create communities that are truly inclusive of the beautiful diversity of genders and sexualities. We have seen some great progress this month here in the ACT, with the introduction of nation-leading legislation to ensure intersex people can make their own decisions about their own bodies. We also strengthened the ACT’s anti-discrimination laws, and we saw a great turnout from the LGBTIQA+ community and their allies in support of trans and intersex people’s rights at Parliament House.

I am committed, and I know my ACT Greens colleagues are also committed, to continuing to make Canberra the most inclusive, kind and caring city we can be, including for our LGBTIQA+ community members.

When I was invited to march with Capital Queers at Mardi Gras last month, I did not know that my first-ever experience of Mardi Gras was also going to be Doug and Rod’s last year organising the Capital Queers float. It was a truly amazing experience, and I am so thankful to them for the honour of being able to participate alongside a welcoming, fun crew with some really great dance moves.

Thank you to Capital Queers, and I look forward to seeing a new generation of LGBTIQA+ Canberrans organising not-for-profit community Mardi Gras floats in future. Love wins.

## **Planning—ACT Planning System Review and Reform Project**

**MR CAIN** (Ginninderra) (6.26): I would like to speak briefly about a particular aspect of the current planning reform. As many Canberrans are aware, the government’s rather self-congratulatory and self-serving planning system review is in full swing, and feedback I am receiving indicates what a mess it is in.

The review has been nothing but dismissive of the community's concerns, time and time again, all while easing the way for the Chief Minister's agenda of so-called "gentle urbanism". What we are seeing expressed with some of the planning decisions is neither gentle nor respectful of urbanism.

The planning review has been done largely by the Chief Planner, reporting to the planning minister. It should be noted that the Chief Planner currently runs the planning system. It is like he is marking his own homework, Madam Speaker—something that I am sure every schoolchild would love to do!

The planning minister and the Chief Planner have concluded, in three published proposed reforms, that the planning system needed serious shaping up in all areas except for governance, which was out of scope. I was speaking with a community leader just last week, and it was never really very clear what was wrong with the current system, except that it was poorly resourced. Governance involves the system and processes by which accountability is driven. Surely, governance should always be within scope for a major review of planning.

In my view, 15 of the 49 recommendations from the recent planning committee inquiry into the Planning Bill concerned governance; yet the minister and the Chief Planner seem to have been doing such a great job that governance was not an area of concern. The planning committee clearly disagrees. Marking one's own homework, giving oneself a positive score, is not really the best approach to reviewing a planning system. Surely, an independent reviewer was required from the outset.

The person running the system has reviewed the system and recommended that they be given more power. That is not how good governance should work. All of this flies in the face of overwhelming sentiment from interest groups, industry and the community that governance is a significant issue with our planning system.

Unfortunately, in my opinion, there has been a wasted opportunity in this planning review, when such a crucial development has not been invited as a point of comment and submission. The conflict of interest, and the lack of independence behind this review, is typical of a government that holds the wishes of Canberrans in low regard.

I want Australians to be proud that Canberra, this bush capital, is the capital of this wonderful country. I want Canberrans to be even prouder that they live here. But the way that this planning reform has been undertaken undermines their confidence in this city and in the planning vision that drives it.

Question resolved in the affirmative.

**The Assembly adjourned at 6.30 pm.**